

Chapter 23 – VACANT BUILDINGS OR ABANDONED PROPERTY

New Chapter Added Ord. No. 2009-02, 09-08-09; 2019-03, 06-15-2019

Sec. 23-1. Authority.

- a. The City Council has enacted this ordinance under the authority granted to the City in Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 61, §§2291(13), (14), and (15), and Chapter 83, §§3113-3118, to compel the cleaning and repair of premises and to identify and abate public nuisances.

Sec. 23-2. Statement of Findings.

- a. Buildings that are vacant or vacant in a state of disrepair are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the street and city and have other undesirable effects.
- b. Allowing buildings to remain indefinitely vacant even in the absence of code violations or boarding is detrimental to the public health, safety and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other property within the neighborhood; may pose a danger to first responders in an emergency; and detracts from the appearance and good order of the neighborhood.
- c. Owners of multiple buildings, either concurrently or serially, that are vacant and a nuisance to the community are a significant problem in the City. Owners of buildings who fail to correct deficiencies contribute to the decline of neighborhoods to a greater extent than those who own only one building. It is in the interest of the welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant buildings are subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this ordinance in a prompt manner.

Sec. 23-3. Purpose.

The purpose of this Ordinance, is, therefore to:

- a. Identify, evaluate and reevaluate buildings and/or structures that have become vacant or abandoned, becoming public nuisances, and the risks associated with them.
- b. Define and document the responsibilities of the vacant building owners by providing standards for maintaining vacant buildings.
- c. Provide a monitoring program for those public nuisances.
- d. Abate such public nuisances, and to mitigate their impacts.

Sec. 23-4. Scope of Ordinance.

- a. Unless specifically exempted, this Ordinance shall apply to all vacant or abandoned buildings and their associated properties within all areas of the City of Barre. All vacant buildings shall require a Vacant Building Registration, and follow all other requirements in accordance with this Ordinance.

Sec. 23-5. Designation of Effect.

- a. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Sec. 23-6. Severability.

- a. If any portion of this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

Sec. 23-7. Relationship with Other Laws or Regulations.

- a. If any provision of this ordinance is more restrictive than any other law or regulation, the provision of this ordinance will apply and take precedence.
- b. If any provision of another law or regulation is more restrictive than this ordinance, the provision of this ordinance will be superseded and the more restrictive provision will apply.

Sec. 23-8. Disclaimer of Liability.

- a. This Ordinance does not create any liability on the part of the City, its officials, agents, employees or representatives for damages that result from reliance on this Ordinance or any lawful administrative action or decision taken under this Ordinance.

Sec. 23-9. Effective Date of Ordinance.

- a. Upon adoption by the City Council, this Ordinance and any subsequent amendments will take effect in accordance with the procedures established in the Barre City Charter and shall remain in effect until repealed or amended.

Sec. 23-10. Applicability, Exceptions.

- a. The provisions of this Ordinance apply to all vacant or abandoned buildings, structures or premises located within the City of Barre, Vermont.

Sec. 23-11. Definitions.

For the purposes of this Chapter, definitions of the terms, phrases, words and their derivations shall be defined in Chapter 1, Sec. 1-2 of Code of Ordinances, the City of Barre, Vermont. Otherwise, the following listed words shall have the meanings indicated:

- a. **Code Enforcement Team (CET)**: Is comprised of the City Manager, Chief Code Enforcement Officer and/or their designee(s).
- b. **Chief Code Enforcement Officer**: The City of Barre Fire Chief.
- c. **City Council**: the Barre City Council.
- d. **Vacant Building**: Unless specifically exempted, any building or structure, in the judgement of the CET, that has been determined to be vacant, and meets one or more of the following criteria:
 1. Any building or structure that is unoccupied by a person, or occupied by unauthorized persons for more than 60 consecutive days;
 - i. For single family dwellings, this means that no one is legally maintaining a residence in the building;
 - ii. For two-family and multi-family dwellings, this means that none of the units are legally occupied;
 - iii. For businesses, this means the building is not open for business on a regular basis;
 - iv. For industrial buildings, there are no employees arriving on a regular basis and no work being performed;
 - v. Any lawful business operation or residential occupancy has ceased with the exception of secure accessory building not intended for human occupancy.
 2. For these uses, the CET shall use their best judgement to establish standards to determine whether or not a building or structure is vacant.
- e. **Exempt Buildings and/or structures**. Buildings and/or structures that are exempt from this Ordinance consist of any one of the following:
 1. Designated warehouse, garage, or building or structure used only on a seasonal basis;
 2. Building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;
 3. Primary residences of members of the armed forces on active duty;

4. Lawful seasonal or resort residents of facilities being occupied periodically during the year;
5. Actively being maintained and monitored by the owner as defined below:
 - i. Maintenance of the building in continuing compliance with all applicable codes and regulations;
 - ii. Prevention of criminal activity on the premises;
 - iii. The posting of a notice placed by a Responsible Agent or Servicing Company per industry standard with name, address and telephone number by whom is in control of the building or structure;
- f. **Fire Hazard**: Exists whenever any building or structure, because of its dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
- g. **Abandoned**: Upon investigation by the CET, any building, structure, except exempt property as defined here, in which at least one of the following conditions exists:
 1. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
 2. Doors and windows that are boarded up, broken or left unlocked;
 3. Furnishings and personal property are absent;
 4. The building or structure is deteriorating so as to constitute a threat to public health or safety;
 5. Reports of trespassers, vandalism or other illegal acts being committed on the real property have been made to local law enforcement authorities and confirmed or substantiated;
 6. The Owner is deceased and there is no evidence that an heir or personal representative has taken possession.
- h. **Inadequate Maintenance**: Whenever a building or structure becomes dilapidated, decayed, damaged, has faulty construction, or otherwise is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

- i. **Responsible Agent**: A person, firm or other entity that, by agreement for payment of services, is responsible to a bank, lender, other financial institution or individual, for securing, maintaining, foreclosing upon or selling any residential property as the result of loan default or mortgage foreclosure proceedings whether or not the proceedings are judicial or initiated as the result of a power of sale clause in the mortgage document. In this section, agent does not include a servicing company. Except, however, an attorney shall not be deemed to be an agent if that attorney is retained solely to represent a bank, lender or other financial institution in connection with a foreclosure proceeding in a court of competent jurisdiction. A responsible agent shall be within a 30-minute radius of Barre City.
- j. **Owner(s)**: Any and all owners of record or trustees for such owners. The obligation of owners under this ordinance extends to agents of such owner(s) or other persons interested (including but not limited to mortgagors, lien holders, agents, lenders) who have asserted possessory interest in the building where the Owner of Record has apparently vacated the property.
- k. **Financial Institution**: Any individual, firm, corporation or entity such as a lender or duly constituted bank that asserts a collateral interest in real property as the result of an assignment, sale or transfer of a mortgage or similar instrument.
- l. **Foreclosure**: The judicial process prescribed by 12 V.S.A. Chapter 172, and the process for non-judicial sale authorized by a power of sale clause in a mortgage document.
- m. **Servicing Company**: An individual, firm or entity that, as a regular part of its business, provides services to the owner or holder of one or more mortgage liens which services may include collection of payments, creation and administration of escrow and insurance accounts, assessment of late-payment charges, managing loss mitigation, and securing and managing foreclosed properties on behalf of the holder of a mortgage lien or the holder's attorney or agent.

Sec. 23-12. Enforcement of Authority.

- a. The Code Enforcement Team is authorized to administer and enforce the provisions of this ordinance. The Code Enforcement Team may take such measures as are necessary for the proper administration of the ordinance, including, but not limited to, maintaining lists on the status of vacant buildings or structures. The Code Enforcement Team may delegate their powers and duties under this Chapter to an appropriate Administrator and/or any Inspector so designated. The Code Enforcement Team is herein referred to as the CET.

Sec. 23-13. Duties and powers of the CET.

- a. The CET and/or their designee(s) is hereby authorized and directed to administer and enforce the provisions of this ordinance.
- b. The CET and/or their designee(s) shall have the power to issue a Civil Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24

VSA §1974a and §1977 with penalties as prescribed in Sec. 23-16.

- c. The CET shall not have the power to waive any requirements of this ordinance. Any such waivers requested by the Owner or Responsible Agent shall be heard by the City Council.
- d. The CET shall carry proper identification when inspecting structures or premises in the performance of their duties.
- e. To safeguard the health, safety and welfare of the public, The CET is authorized to enter, examine and survey all registered vacant properties at any reasonable time that are subject to emergency inspections of this ordinance in accordance with Sec. 23-21.
- f. Where it is necessary to make an inspection to enforce this ordinance, or where the CET has reasonable cause to believe there is a structure that is vacant or abandoned, the CET shall first make a reasonable effort to locate the owner or other person having charge of the structure or premises and request entry. If entry is refused the CET must first secure a search warrant duly issued by a court [13 V.S.A. §4701].
- g. The CET shall have the following powers to administer the provisions of this ordinance, including, but not limited to:
 1. Registering vacant structures;
 2. Renewing registration of vacant buildings;
 3. Semi-annual inspections of registered and unregistered buildings for compliance;
 4. Securing utilities as necessary;

Sec. 23-14. Written Documentation and Issued Orders.

- a. Where an inspection indicates that a violation of the Ordinance exists, the CET shall issue a written Order notifying the party responsible of the existence of the violation(s) and the measure(s) required to correct or eliminate it. At the direction of the CET, the documentation may require the discontinuance of the illegal action or condition, that violations be corrected, or significant action taken to begin corrections within a defined number of business days, or require that the premises be secured until it meets the standards of this chapter. The written documentation shall be based on finding that the premises are a danger to the health, welfare or safety of the general public and a violation of the Maintenance Standards Sec. 23-23. Written documentation may further direct:
 1. That the vacant building be repaired, secured or cleaned up so that it meets the standards of this Chapter.

2. That the vacant building is unfit or unsafe because it constitutes a serious danger to the health, welfare and safety of the general public, and the vacant building be secured and/or repaired so that it meets the standards of this Chapter.
 3. That the vacant building is deemed a public nuisance because it constitutes a danger to the health, welfare or safety of the general public, and that it must be demolished pursuant to the provisions of 24 V.S.A. Chapter 83 §§3113-3118.
- b. Failure to remedy a violation to the satisfaction of the CET, the CET may bring appropriate action to enforce the provisions of this ordinance.
1. The written Order shall state:
 - i. That a violation exists.
 - ii. The measure(s) required to correct or eliminate the violation(s).
 - iii. A compliance date for which such violation(s) shall be corrected.
 - iv. Appeal rights.
 - v. Penalties for non-compliance.
- c. When the CET investigates and issues an Order, such Order shall be sent to the Owner and/or Responsible Agent.
- d. Orders shall be sent by one or more of the following means:
1. Email.
 2. United States Postal Service (USPS) Certified Mail Return Receipt Requested.
 3. USPS normal delivery.
 4. Hand Delivery.
- e. If an Order cannot be delivered by means listed above, the Order shall be posted in a conspicuous place on the structure or on the property.
- f. Orders become effective immediately unless mailed via USPS. If mailed, the Order will take effect three (3) business days from the date the Order is issued.
- g. An order shall be recorded in the municipal land records, and the Order shall thereby be effective against any purchaser, mortgagee, attaching creditor, lien holder or other person whose claim or interest in the property arises subsequent to the recording of the Order.
- h. When an Order is cured and any related assessed penalties are paid, the CET shall record a discharge in the Municipal Land Records.

Sec. 23-15. Appeals of the CET.

- a. Written notice of appeal shall be delivered or mailed postage prepaid to the Chief Code Enforcement Officer within ten (10) business days of the date of an Order(s), action, or findings.
- b. The Chief Code Enforcement Officer shall review the appeal and all related documentation and make a written decision within twenty (20) business days of receipt of an appeal, sent via United States Postal Service (USPS) Certified Mail Return Receipt Requested.
- c. The decision shall inform the appellant the he or she may appeal from this decision to the City Council, lodging the appeal with the City Clerk within ten (10) business days of the mailing of the written notice of decision.
 1. Appeals shall be made in writing and shall describe in detail the issue, order, or action being appealed. In addition any required appeals fee set by the City of Barre shall be paid in full.
 2. The Council shall review the appeal and all related documentation and make a written determination within twenty (20) business days of receipt of the appeal.
 3. The City Council's findings shall be made in writing and sent via United States Postal Service (USPS) Certified Mail Return Receipt Requested.
- d. Any owner or agent may appeal a decision of the City Council by instituting relief in Superior Court under V.R.C.P. 74.
- e. When an aggrieved party appeals an action of the Chief Code Enforcement Officer , the CET shall not be prevented from completing the inspection of the property and issuing any necessary orders. When an appeal is filed, the orders issued will be stayed pending resolution of the appeal, unless the orders issued are to correct life threatening issues which will not be stayed.

For the purposes of this Section, the CET is designated as the entity who will determine life threatening issues.

Sec. 23-16. Enforcement and Penalties.

- a. Any person violating any provision of this Ordinance or providing false information to the CET will be subject to the following fines:
 1. Failure to apply for a vacant building registration and/or renewal of the filing of an incomplete application;
 2. Failure to pay the vacant building fee(s);

3. Failure to comply with an order of the CET in the time required, with each separate deficiency ordered to be corrected being deemed a separate order;
- b. Issue, or direct to have issued, a Civil Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. §1974a and §1977 with penalties as prescribed below:
 1. First offense. A first offence of this ordinance shall be punishable by a fine of \$150.00. The waiver fine shall be \$100.00
 2. Second and subsequent offenses. Any second or subsequent offenses of the same provision of the bylaws within a 12-month period shall be punishable by a fine of \$200.00 The waiver fine shall be \$150.00.
 3. Each day that a violation continues after the initial seven (7) days' notice shall constitute a separate offense.
 - c. The CET may notify the City Attorney of the violations, who may then take action in Superior Court seeking injunctive relief with penalties as prescribed by law.
 - d. Failure or refusal to pay the inspection and registration and/or renewal fees due by this Ordinance shall be a violation and fine not less than \$500 for each failure to register, failure to maintain and secure, failure to inspect, failure to report, or for each failure or refusal to pay the required fees.
 - e. Penalties shall not be subject to suspension or reduction for any reason.

Sec. 23-17. Registration, Renewal, Fees.

- a. A registration and/or renewal registration shall be issued for an owner or responsible agent after the fee required has been paid. Any fees are paid through the Permitting Office at the time of registration.
- b. The City Council will prescribe fees to be charged with respect to inspections, registrations and renewals. The applicant may also be charged the cost of recording fees as required by law.
- c. Vacant buildings that are determined to be a nuisance property, abandoned, or recognized to have inadequate maintenance, a fire hazard, including properties in mortgage default according to the criteria established herein, shall be charged:
 1. A fee for the initial inspection of the premises, the first time a vacant building, structure or premises is registered and established on a master vacant building listing maintained by the CET.

2. The fee for the first six-month registration, and every six-month period thereafter shall be set on the Fee Schedule designated by City Council.
3. For commercial buildings and/or structures, the fees shall escalate at a rate of two (2) times the prior year fee for each additional year a building continues as vacant or abandoned regardless of the responsible party.

Sec. 23-18. Records.

- a. The CET shall keep official records of registrations issued, and fees collected. Reports of inspections, notices and other orders pertaining to vacant structure issued shall be retained.

Sec. 23-19. Registration and Registry, transferability, timeframes.

- a. A Vacant Building Registration shall be required under the terms of this ordinance. Any person(s) carrying on without a Vacant Building Registration shall be deemed in violation of this ordinance.
- b. All vacant properties shall register with the City within 60 days of the effective date of the ordinance or within 60 days of a building becoming vacant thereafter. Applications are made to the Permitting office.
- c. Within ninety (90) days of purchasing, transferring, assigning or acquiring a vacant or abandoned building or structure meeting the definitions of this Ordinance, the owner or a Responsible Agent shall apply for a vacant building registration.
- d. Registrations will run from July 1 to December 31 and January 1 to June 30.
- e. A Registration pursuant to this ordinance shall be issued to the owner or responsible agent of the vacant building named on the approved registration application. One registration may be issued for a vacant building and shall be deemed to cover only such building under single ownership. No transfer of registration is allowed between owners or between buildings.
- f. All fees shall be paid semi-annually with the registration form in full for the period being registered in, and no proration's shall be allowed.
- g. If, upon investigation of a property it should be determined that the property is either vacant, abandoned, or in foreclosure or no property owner can be located, the bank, lender, other financial institution or its responsible agent or servicing company, shall register the property in the name of the lien holder with the City on a form prescribed by the City that includes, but is not limited to, information identifying the location of the property, the last known owner or owners of the property, the date foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and whether there is an accessory structure on the property. Registration information shall identify the agent or servicing company, if any, that is authorized by the

lien holder to enter upon the property and to conduct repairs or maintenance.

- h. The CET shall develop, collect and maintain all forms and applications necessary for the administration of the Vacant Building Registry. Applications shall be reviewed by the CET in a timely manner and decisions issued within 10 business days of the application.
- i. A current Time of Sale Inspection is completed for all vacant buildings or structures when they are no longer registered or the status of the property changes.
- j. No registration shall be approved until both required fees are paid (inspection fee and either a registration or renewal fee) and a copy of the required insurance is provided to the City and until the CET is satisfied from an examination of the application and any inspections deemed necessary. Applicants have the burden to demonstrate compliance with the adopted codes.
- k. The Owner of a vacant building shall at the time of registration name the Barre City Police Chief as the agent capable of issuing trespass notice during the time the property remains vacant. This does not place any responsibility for the condition of the property on the Police Chief. This agent designation is only meant to allow City officials to formally issue trespass orders and remove persons who may be illegally occupying the vacant property.
- l. It shall be the responsibility of the Owner or Agent to notify the CET when a property is ready to be removed off the catalog master list.

Sec. 23-20. Registration Renewal.

- a. The CET shall process vacant building registration renewals semi-annually.
- b. Applicants shall be required to submit renewal registration applications and all applications shall be processed in the same manner as a registration (Sec. 23-19).
- c. Should an Owner or Responsible Agent sell the property or change companies, the burden of proof is on the Owner or Responsible Agent to notify the CET to update records.
- d. The Owner or Responsible Agent shall have the continuing obligation to notify the CET of any changes in the information required by the Registry forms.
- e. It shall be a violation of Vacant Building Ordinance for the Owner or Responsible Agent to fail to register the vacant structure as required by this Chapter.

Sec. 23-21. Inspection Procedures.

- a. The Owner and/or Agent shall arrange for an initial inspection of the building and premises with the CET and/or appropriate police and fire officials prior to registering the property in the Vacant Building Registry.

- b. If the CET has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the occupants or the surrounding properties, or the general public, he/she may enter, examine and document the structure at any time.
- c. The CET, at the time of any inspection, shall issue any order for work needed to:
 - 1. Comply with this ordinance and adequately protect the building from intrusion by trespassers and from deterioration by weather in accordance with the maintenance standards found in Sec. 23-23.
 - 2. Ensure that the building will not remain detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
 - 3. When issuing Orders, Sec. 23-14 shall be followed.

Sec. 23-22. Responsibilities of Vacant Building Owners.

- a. The owner of a vacant building shall register it as a Vacant Building with the City of Barre for the period during which the property is vacant and any period thereafter. When a building or structure becomes vacant, as defined by Sec. 23-11, steps must be taken to register as defined by Sec. 23-19.
- b. A vacant building shall not be a dangerous building, pursuant to Chapter 4 Buildings and Building Construction, Section 4-40, Abatement and Rehabilitation of Dangerous Structures.
- c. The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits to meet the Maintenance Standards as stated in this ordinance.
- d. The owner of a vacant building or structure shall immediately remove all combustible waste and refuse therefrom in compliance with the applicable fire prevention code and shall remove any waste, rubbish or debris from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building or structure in accordance with the Maintenance Standards in Sec. 23-23.
- e. The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this ordinance. The owner of a vacant building or structure shall provide the police department with a list of persons authorized to be present in the building and shall provide notices of

trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

- f. The owner or responsible agent shall provide an Emergency Contact Sheet upon completed registration or renewal.
- g. The Owner or Responsible Agent shall purchase and install an emergency access key-box approved by the Fire Department.
- h. The obligations of owners of a vacant building or structure are continuing obligations that are effective throughout the time of vacancy, as that term is defined in this ordinance. The CET shall have continuing abatement authority throughout the time of vacancy.
- i. Should the CET believe that the property poses a serious threat, the City may secure the property at the expense of the Owner or Responsible Agent and the cost of securing may be a lien as filed in the City Land Records.

Sec. 23-23. Maintenance Standards.

- a. In the judgement of the CET, a vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
 - 1. *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken windows shall be covered by glass or other rigid transparent materials that are weather protected, and tightly fitted and secured to the opening. Door openings shall be covered with a replacement working door.
 - 2. *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects that might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
 - 3. *Drainage:* The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
 - 4. *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.
 - 5. *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
 - 6. *Foundation walls:* The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be

capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal proof.

7. *Exterior walls:* The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
8. *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
9. *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. *Walkways:* Walkways shall be safe for pedestrian travel.
12. *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.
13. *Premises:* The premises upon which the structure or building is located including adjoining yard areas shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, graffiti, litter, portable toilets, rodents, standing water, and other deleterious features and shall not pose a threat to the public health or safety.
14. *Maintain curb appeal:* A vacant building, including adjoining yard areas, shall be maintained free of debris, garbage, graffiti, litter, portable toilets, rodents, standing water, and other deleterious features. If present, lawns shall be maintained such that they do not exceed 6 inches in length during the summer months. In winter months, driveways, walkways and sidewalks (if present) shall be plowed and shoveled.
15. *Winterization:* It is the responsibility of the owner or agent to ensure that a vacant building or structure with plumbing shall have its water turned off, and ensure all pipes are drained to prevent any damage while not used.

Sec. 23-24. Demonstrate Proper Liability Insurance.

1. Owners of vacant buildings that require registration shall be required to maintain liability insurance, and file evidence of such insurance with the CET, upon registration and renewal, as follows: \$250,000 for a vacant residential building or structure; \$1,000,000 for a vacant commercial building or structure; and \$2,000,000 for a vacant building or structure in the Design Review District.

Owners of properties who choose to self-insure shall be required to demonstrate a bond or other proof of insurance. The City reserves the right to review such records with the City Attorney to determine the validity of the self-insurance claim. The applicant maintains the burden of proof to demonstrate compliance with this provision.

- ii. Liability policies shall include and follow generally accepted insurance provisions and practices.

Sec. 23-25. Emergency Boarding of Vacant or Abandoned Buildings.

- a. For the purposes of this ordinance, “emergency boarding” shall mean the covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the buildings by persons or animals, in a timely manner as dictated by the CET, and until proper openings are replaced as cited in Sec. 23-23(a)(1).
- b. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows.
- c. Vacant buildings that are immediately dangerous and are open and accessible to the general public may be summarily boarded by the CET, pursuant to this Ordinance.

Sec. 23-26. Noncompliant buildings or property.

- a. Any building or property in violation of this Ordinance shall not be accepted for review by the Permit Administrator, Development Review Board or the Planning Commission until the violation(s) is rectified.