

Chapter 4 -- BUILDINGS AND BUILDING CONSTRUCTION
(Entire chapter Amended Ord. No. 2009-01, 08/04/09; 2019-06, 09/24/19)

ARTICLE I. GENERAL

PROVISIONS Sec. 4.1. Authority.

- (a) The City Council has enacted this ordinance under the authority granted to the City through its Charter (Section 501) and under the authority granted to all Vermont municipalities under Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 83 to regulate buildings and building construction.

Sec. 4-2. Purpose.

- (a) The purpose of this ordinance is to establish the minimum requirements to safeguard public health, safety, and general welfare through structural strength, means of egress, stability, adequate light and ventilation, energy conservation, safety to life and property from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency situations.

Sec. 4-3. Building codes adopted.

- (a) The City hereby adopts the most current editions of the International Building Code and the Vermont Fire and Building Safety Codes as adopted by the Commissioner of Public Safety under 20 V.S.A. Chapter 173, subsection 2. (Ord. No. 2019-06, 09/24/19)

Sec. 4-4. Scope of ordinance.

- (a) Within limits established in the adopted codes, the ordinance shall apply to construction, enlargement, alteration, relocation, demolition, and change of use or occupancy of all structures within all areas of the City of Barre.
- (b) This ordinance shall not apply to ordinary maintenance and repair of structures or the replacement of individual components including, but not limited to the replacement of roofs, doors and windows as long as the rough opening is not altered. Ordinary repairs to structures may be made without application or notice to the building official, but such repairs shall not include the cutting away of any wall, partition or portion thereof, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirement. (Ord. No. 2019-06, 09/24/19)
- (c) Electrical alterations are regulated separately under Chapter 5 of the City Ordinances and therefore are not covered under these regulations.

Sec. 4-5. Effect of regulations.

- (a) Unless exempted within these regulations, no property owner in the City shall construct,

enlarge, alter, relocate, demolish, or change the use or occupancy of a structure without first obtaining a building permit from the building official.

- (b) Unless exempted within these regulations, no structure shall be used or occupied until the building official has issued a Certificate of Occupancy or Temporary Certificate of Occupancy, as appropriate.

Sec. 4-6. Designation of Effect.

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

Sec. 4-7. 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.

ARTICLE II. CODES & DEFINITIONS

Sec. 4-10. Codes Adopted. (Ord. No. 2019-06, 09/24/19)

- (a) Unless otherwise expressly stated, the definitions as given in the International Building Code adopted in section 4-3 shall be used for the purposes of this chapter.

Sec. 4-11. Conflicts.

- (a) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the city, the provision that establishes the higher standard for the promotion and protection of the health and safety of the people of the city shall prevail. (Ord. No. 2019-06, 09/24/19)

ARTICLE III. ADMINISTRATION, APPEALS, & ENFORCEMENT

Sec. 4-20. Duties and powers of Chief Inspector and the Code Enforcement Office. (Ord. No. 2019-06, 09/24/19)

- (a) The Barre City Manager shall appoint the Fire Chief as the Chief Inspector, who is hereby authorized and directed to administer and enforce the provisions of the adopted codes. The Chief Inspector shall have the authority to render interpretations of the codes. Such interpretations, policies and procedures shall be in compliance with the intent of the adopted codes and 24 V.S.A. Chapter 83. (Ord. No. 2019-06, 09/24/19)
- (b) The Barre City Fire Department Inspection/Code Enforcement Office shall be responsible for the administration of this Ordinance. (Ord. No. 2019-06, 09/24/19)
- (c) The Chief Inspector may delegate this authority to any trained inspector within the Code

Enforcement Office. Such delegated and trained Inspector shall herein after be referred to as the Inspector. (Ord. No. 2019-06, 09/24/19)

- (d) The Inspector shall not have the power to waive any requirements of the adopted codes. (Ord. No. 2019-06, 09/24/19)
- (e) The Inspector shall carry proper identification when inspecting structures or premises in the performance of their duties. (Ord. No. 2019-06, 09/24/19)
- (f) Where it is necessary to make an inspection to enforce this ordinance, or where the Inspector has reasonable cause to believe there exists in a structure or upon a premise a dangerous, unsafe, or hazardous condition, the Inspector is authorized to enter the structure or premises at reasonable times. Where such structure or premises is occupied, the Inspector must present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Inspector 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 Inspector must first secure a search warrant duly issued by a court [13 V.S.A. §4701]. (Ord. No. 2019-06, 09/24/19)
- (g) The Inspector shall have all the powers set forth under state law to administer the provisions of these regulations, including, but not limited to: (Ord. No. 2019-06, 09/24/19)
 - (1) Issue building permits; (Ord. No. 2019-06, 09/24/19)
 - (2) Issue temporary or permanent certificates of occupancy.
 - (3) In writing suspend or revoke a certificate of occupancy or completion issued under the provisions of this ordinance whether the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation and or code.
 - (4) Authorize disconnection of utility service to the building, structure or system regulated by these codes in case of an emergency where it is necessary to eliminate an immediate hazard to life and property. The Inspector shall notify the utility, and wherever possible the owner and occupant(s) of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant(s) of the building, structure, or service system shall be notified in writing as soon as possible thereafter. (Ord. No. 2019-06, 09/24/19)
 - (5) Serve a written order upon the person responsible for the violation directing discontinuance of the alleged action and ordering the remedy of the condition that is in violation;
 - (6) Serve a written stop-work order requiring the suspension of all further work until the condition that is in violation has been corrected. Any person who shall continue any work after having been served with a stop work order, shall receive fines and penalties as described in sec. 4-22;

- (7) Issue municipal tickets as directed under 24 V.S.A. Chapter 59 and Section 4-22 of this ordinance.
- (8) Declare structures to be unsafe and, in accordance with Article V of this ordinance, order the securing and/or removal of the structure.

Sec. 4-21. Appeals of Inspector actions. (Ord. No. 2019-06, 09/24/19)

- (a) Any owner or agent aggrieved by an order of the Inspector may appeal within fifteen (15) days of said order to the board of arbitrators, or to the Criminal Division of the Superior Court, at his or her election. The board of arbitrators or the Court shall have the power to annul, amend, modify, or affirm the order of the Inspector. (Ord. No. 2019-06, 09/24/19)
- (b) For appeals to the board of arbitrators a request for appeal shall be taken within five (5) days after receipt of the Inspector's notice and order by the aggrieved owner or agent owner, and shall be made by filing a written complaint and any required fee with the Inspector, and left with the Inspector personally, or at their office. In the case of an election to appeal to the Criminal Division of the Superior Court, the appeal shall be deemed perfected by the filing with the court of a complaint. The taking of the appeal shall operate as a stay. (Ord. No. 2019-06, 09/24/19)
 - (1) The Inspector shall convene a board of arbitrators within 15 days to schedule a hearing. (Ord. No. 2019-06, 09/24/19)
 - (2) The board of arbitrators shall be composed of two disinterested persons, residents of the City of Barre, one of whom shall be appointed by the appellant, and one by the Inspector, who are qualified building professionals (eg. architect, engineer or contractor) Inspector. (Ord. No. 2019-06, 09/24/19)
 - (3) The board shall meet within ten (10) days of receiving notice from the Inspector of the notice of appeal. A hearing shall be scheduled and shall be public, and the owner or agent shall be given an opportunity to be heard and to present evidence and arguments. (Ord. No. 2019-06, 09/24/19)
 - (4) If such arbitrators cannot agree to a resolution, a third member shall be chosen by the arbitrators. On failure to agree as to such third member, the third member shall be appointed by a Superior judge. (Ord. No. 2019-06, 09/24/19)
 - (5) A decision of a majority of the board of arbitrators, when reduced to writing, sworn to and filed in the Inspector's office, shall be final and conclusive upon the parties. Upon the filing of such decision, work may be immediately resumed. The expense, if any, of such arbitration shall be paid by the appellant. (Ord. No. 2019-06, 09/24/19)

Sec. 4-22. Enforcement.

- (a) The Inspector is required to serve a notice of violation or other order on the person responsible

for the construction, enlargement, alteration, relocation, demolition, and change of use or occupancy of any structure where such change is in violation of this ordinance or the adopted codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (Ord. No. 2019-06, 09/24/19)

- (b) When an owner or applicant, or person interested in property deemed unfit by an inspection as set forth above, and notified as provided, fails, refuses or neglects to comply with the requirements of such order within the time limited, a careful review of the premises shall be made by a panel consisting of the Inspector and the Fire Marshal and one (1) disinterested person to be chosen by the other two (2) panel members and who shall be a person knowledgeable in at least one area in which the property is deficient. (Ord. No. 2019-06, 09/24/19)
- (c) A report shall be made by each member of this panel and forwarded to the Chief Inspector with copies sent to the owner by registered mail, and posted on each entrance door to each rental unit in the building. (Ord. No. 2019-06, 09/24/19)
- (d) Upon completion of the report and sending of the reports, the Chief Inspector shall, if such action is indicated as necessary by the report, order the occupants of said premises to vacate and take such other actions as necessary to bring about compliance with said order. (Ord. No. 2019-06, 09/24/19)
- (e) Where a person fails to remedy a violation to the satisfaction of the Inspector, the Inspector may bring appropriate action to enforce the provisions of this ordinance. Enforcement may be by any means allowed under state law including, but not limited to: (Ord. No. 2019-06, 09/24/19)
 - (1) The Inspector may issue, or direct to have issued, a Municipal Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. §1974 and §1977 with penalties as prescribed below: (Ord. No. 2019-06, 09/24/19)
 - i. First offense. A first offence of this ordinance shall be punishable by a fine of \$150. The waiver fee shall be \$100. (Ord. No. 2019-06, 09/24/19)
 - ii. Subsequent offenses. Any subsequent offences of the same provision of the bylaws within a 12-month period shall be punishable by a fine of \$200. The waiver fee shall be \$150. (Ord. No. 2019-06, 09/24/19)
 - (2) The Inspector may notify the City Attorney of the violation who may take action in Superior Court seeking injunctive relief as appropriate with penalties as prescribed below: (Ord. No. 2019-06, 09/24/19)
 - i. Any person who violates this ordinance shall be fined not more than the amount prescribed under 24 V.S.A. Chapter 83, which at the time of the development of these regulations is \$200.

- (f) Each day that a violation continues after the initial seven (7) day notice shall constitute a separate offense. All fines imposed and collected shall be paid to the City of Barre.
- (g) Where an Inspector finds that a violation is to such a degree that a building is declared unsafe, the Inspector may initiate procedures to secure or remove such structure under the provisions found in Article V. (Ord. No. 2019-06, 09/24/19)
- (h) Once a structure has received a notice of violation it cannot be reoccupied until a permanent or temporary certificate of occupancy has been issued by the Inspector. (Ord. No. 2019-06, 09/24/19)

Sec. 4-23. Fees.

- (a) The fee for a building permit shall be designated by the City Council and upon adoption of the rate, the Council shall publish in the local newspaper the rate change thirty (30) days prior to the effective date of the rate change. It shall be payable on making application, and returned if the permit is denied.

Sec. 4-24. Records.

- (a) The City shall keep official records of permits and certificates issued, and fees collected. Reports of inspections, notices and other orders issued shall be retained. (Ord. No. 2019-06, 09/24/19)
- (b) All permits, certificates of occupancy, temporary certificates of occupancy, and notices of violation shall be recorded in the municipal land records. Applicants or owners are responsible for all recording fees. (Ord. No. 2019-06, 09/24/19)

ARTICLE IV. PERMITS

Sec. 4-30. Building permit.

- (a) Unless exempted within these regulations, no property owner/**tenant/inhabitant** in the City shall construct, enlarge, alter, relocate, demolish, or change the use or occupancy of a structure without first obtaining a building permit from the City's permitting department. (Ord. No. 2019-06, 09/24/19)
- (b) The City shall develop all forms and applications necessary for the administration of building permits. Applications shall be reviewed by the Inspector in a timely manner and decisions issued promptly. (Ord. No. 2019-06, 09/24/19)
- (c) Before the construction or alteration of a building, the owner, builder or architect shall submit to the City a permit application with comprehensive statement in writing of the material to be used and mode of construction of the proposed building or alteration, with plans and specifications, if any. (Ord. No. 2019-06, 09/24/19)

- (d) No permit shall be granted until the required fee is paid to the City and until the Inspector is satisfied from an examination of the plans and specifications or the detailed memoranda of the proposed building or alteration that such structure when completed will be safe and secure and built in a proper manner. Applicants have the burden to demonstrate compliance with the adopted codes. (Ord. No. 2019-06, 09/24/19)
- (1) Work thereon shall not begin until the owner or applicant has received a signed, approved Building Permit, of which a copy shall be recorded in the Barre City Land Records. (Ord. No. 2019-06, 09/24/19)
- (e) Where equipment replacement and repairs must be performed in an emergency situation the permit application shall be submitted the next business day to the City's permitting department. (Ord. No. 2019-06, 09/24/19)
- (f) Construction or work for which a permit is required shall be subject to inspection by the Inspector and such construction or work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Inspector nor the City of Barre shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection. (Ord. No. 2019-06, 09/24/19)
- (g) Building permits shall be invalid after three (3) years from the date of issuance. The building inspector shall have the discretion to approve extensions of time beyond the three-year limit provided that all extensions are in writing and are for a specified duration which is consistent with the permits issued by the department of planning and zoning for the subject permit.
- (h) Structures hereafter constructed, enlarged, altered, or relocated without a permit or not in conformance with the adopted codes or conditions of permit approval shall be removed at the owner's expense. (Ord. No. 2019-06, 09/24/19)

Sec. 4-31. Certificate of Occupancy

- (a) Unless exempted within these regulations, no structure shall be used or occupied until the Inspector has issued a Certificate of Occupancy or Temporary Certificate of Occupancy, as appropriate. (Ord. No. 2019-06, 09/24/19)
- (b) Upon completion of construction involving a building permit, the Inspector shall inspect the structure; and finding no code violations, the Inspector shall issue a certificate of occupancy. (Ord. No. 2019-06, 09/24/19)

Sec. 4-32. Temporary Occupancy Permits

- (a) The Inspector is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Inspector shall set a time period during which the temporary certificate of occupancy is valid. (Ord. No. 2019-06, 09/24/19)

- (b) The Inspector is authorized to, in writing suspend or revoke a certificate of occupancy or temporary certificate of occupancy issued under the provisions of this ordinance; whether the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation and/or code. (Ord. No. 2019-06, 09/24/19)

ARTICLE V. SPECIAL CIRCUMSTANCES

Sec. 4-40. Abatement and Rehabilitation of Dangerous Structures

- (a) Statement of findings and purpose.

(1) Being that in the City of Barre there are structures that have or may become dangerous and/or unsafe, the Barre City Council finds and declares that: (Ord. No. 2019-06, 09/24/19)

- i. Structures that become dangerous and/or unsafe must promptly be made safe and secure to protect the public safety. (Ord. No. 2019-06, 09/24/19)
- ii. Immediate abatement and rehabilitation of these structures is necessary to secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
- iii. Communication between owners of dangerous structures and the City is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regards to such structures.

(2) The purpose of this article is to establish the reasonably necessary measures to protect the public safety and welfare threatened by dangerous and/or unsafe structures, consistent with the authority vested in the City to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings and other structures within the City. (Ord. No. 2019-06, 09/24/19)

(3) The Inspector is authorized to administer and enforce the provisions of this article. The Inspector may take such measures as are necessary for the proper enforcement of the article, including, but not limited to, securing and/or removing structures at the expense of the property owner. (Ord. No. 2019-06, 09/24/19)

- (b) Unsafe Building – Notice. (Ord. No. 2019-06, 09/24/19)

(1) The Inspector shall be notified that a structure, or anything appurtenant to, that is or becomes dangerous and/or unsafe shall inspect such structure(s). If it appears to be unsafe, the Inspector shall notify, in writing via Order to the owner or owner agent to make it safe and secure. (Ord. No. 2019-06, 09/24/19)

(2) If it appears that such structure would be especially unsafe in case of fire, it shall be deemed

dangerous and the Inspector may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without the authority from the Inspector. (Ord. No. 2019-06, 09/24/19)

(i) When the owner or owner agent lives out of State, notice may be served by a proper officer, whose return of service shall provide sufficient evidence of such serving. (Ord. No. 2019-06, 09/24/19)

(c) Obligation to Repair an Unsafe and/or Dangerous Structure. (Ord. No. 2019-06, 09/24/19)

(1) Before noon on the day following such served notice, the owner or agent owner notified shall commence to secure or remove such structure within a prescribed timeframe, and shall employ sufficient workers speedily to secure or remove it. (Ord. No. 2019-06, 09/24/19)

(2) If public safety so requires, and if the Mayor and City Councilors so order, the Inspector shall immediately enter upon the premises with the necessary workers and cause such structure to be shored up, taken down, or otherwise secured without delay. The Inspector shall cause a proper fence or boarding put up for the protection of passers-by at the expense of the owner. Such expense may be recovered in a civil action on this Ordinance. (Ord. No. 2019-06, 09/24/19)

(d) Refusal to Obey Order; Survey and Report. (Ord. No. 2019-06, 09/24/19)

(1) When the owner or agent owner of such unsafe and/or dangerous structure refuses or neglects to comply with the requirements of the Order within the prescribed timeframe, a careful survey of the premises shall be made by a board, consisting of the City Engineer, the Chief of the Fire Department, and one (1) disinterested person to be appointed by the Inspector. A report of such survey shall be made in writing and a copy of served on the owner or agent owner. (Ord. No. 2019-06, 09/24/19)

(e) Removal of Structure – Penalty. (Ord. No. 2019-06, 09/24/19)

(1) When the report declares the structure to be dangerous and/or unsafe, and when the owner or agent owner continues such refusal and neglect, the Inspector shall cause it to be taken down or otherwise made safe. The costs and charges incurred shall constitute a lien upon the land upon which such structure is situated and shall be enforced within the time and in the manner provided for the collection of taxes on land. In addition, for every day's continuance of such refusal or neglect, the owner or person interested shall forfeit to the City not more than fifty dollars (\$50.00) nor less than ten dollars (\$10.00), to be recovered in a civil action on this article. (Ord. No. 2019-06, 09/24/19)

(f) Appeal of Order. (Ord. No. 2019-06, 09/24/19)

(1) An owner or agent owner who is aggrieved by an Order of this Article may appeal such Order by following the process found in Section 4-21. However, the provisions of this section shall not prevent the City of Barre from recovering the forfeiture provided in 4-

40(e)(1) above from the date of the service of the original notice, unless the order is annulled by the board of arbitrators or a Superior Court judge, whichever the case may be. (Ord. No. 2019-06, 09/24/19)