

Chapter 23 – VACANT BUILDINGS OR ABANDONED PROPERTYNew Chapter Added Ord. No. 2009-02, 09-08-09; 2019-XX, 03-XX-2019**ARTICLE I. GENERAL PROVISIONS****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. PurposeStatement 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.
- ~~a.c. Owners of multiple buildings, either concurrently or serially, that are vacant and a blight 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. The purpose of this ordinance is, therefore to abate these public nuisances caused by vacant buildings and to mitigate their impacts.~~

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.

1 a.d. Abate such public nuisances, and to mitigate their impacts.

2
3 **Sec. 23-34. Scope of ~~ordinance~~Ordinance.**

- 4
5 a. Unless specifically exempted, this~~The ordinance~~ Ordinance shall apply to all vacant ~~or~~
6 abandoned buildings and their associated properties within all areas of the City of Barre.
7 All vacant buildings shall require a Vacant Building Registration, and follow all other
8 requirements in accordance with this Ordinance.

9
10 **Sec. 23-45. Designation of Effect.**

- 11
12 a. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter
13 59.

14
15 **Sec. 23-56. Severability.**

- 16
17 a. If any portion of this Ordinance is found to be unconstitutional or invalid by a court of
18 competent jurisdiction, the remainder of this ordinance shall not be affected and shall
19 remain in full force and effect. If any statute referred to in this ordinance is amended, this
20 ordinance shall be deemed to refer to such amended statute.

21
22 **Sec. 23-7. Relationship with Other Laws or Regulations.**

- 23
24 a. If any provision of this ordinance is more restrictive than any other law or regulation, the
25 provision of this ordinance will apply and take precedence.
26
27 b. If any provision of another law or regulation is more restrictive than this ordinance, the
28 provision of this ordinance will be superseded and the more restrictive provision will apply.

29
30 **Sec. 23-8. Disclaimer of Liability.**

- 31
32 a. This Ordinance does not create any liability on the part of the City, its officials, agents,
33 employees or representatives for damages that result from reliance on this Ordinance or
34 any lawful administrative action or decision taken under this Ordinance.

35
36 **Sec. 23-9. Effective Date of Ordinance.**

- 37
38 a. Upon adoption by the City Council, this Ordinance and any subsequent amendments will
39 take effect in accordance with the procedures established in the Barre City Charter and
40 shall remain in effect until repealed or amended.

41
42 **Sec. 23-10. Applicability, Exceptions.**

- 43
44 a. The provisions of this Ordinance apply to all vacant or abandoned buildings, structures or
45 premises located within the City of Barre, Vermont.

ARTICLE II. DEFINITIONS**Sec. 23-1011. 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) Administrative officer:~~ Is comprised of the ~~City Manager, Chief Code Enforcement Officer and/or their designee(s)see Vacant Building Administrative Officer.~~

~~a.b. Chief Code Enforcement Officer:~~ The City of Barre Fire Chief.

~~b.c. City Council:~~ ~~is~~ the Barre City Council.

d. ~~Vacant building~~**Building:** Any building or structure, in the judgement of the CET has been determined to be vacant, that meets one or more of the following criteria:

1. ~~Any vacant~~ building or structure that is ~~not legally~~unoccupied by persons who have a legal right to be on the premises ~~occupied by a person~~ for a period of at least 60 consecutive days, or occupied by unauthorized persons, unless exempt from this Ordinance;

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;

- 1 2. Building is the subject of an active building permit for repair or rehabilitation and the
2 owner is progressing diligently to complete the repair or rehabilitation;
3
4 3. Primary residences of members of the armed forces on active duty;
5
6 4. Lawful seasonal or resort residents of facilities being occupied periodically during the
7 year;
8
9 5. Actively being maintained and monitored by the owner as defined below:
10
11 i. Maintenance of the building in continuing compliance with all applicable codes
12 and regulations;
13
14 ii. Prevention of criminal activity on the premises;
15
16 iii. The posting of a notice placed by a Responsible Agent or Servicing Company
17 per industry standard with name, address and telephone number by whom is in
18 control of the building or structure;
19
20 f. **Fire Hazard:** Exists whenever any building or structure, because of dilapidated condition,
21 deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to
22 be a fire hazard.
23
24 g. **Abandoned:** In the judgement of the CET, any building, structure or parcel of land, except
25 exempt property as defined below, in which at least one of the following conditions exists:
26
27 1. Whenever any portion of a building or structure remains on a site after the demolition
28 or destruction of the building or structure or whenever any building or structure is
29 abandoned for a period in excess of six (6) months so as to constitute such building or
30 portion thereof an attractive nuisance or hazard to the public;
31
32 2. Doors and windows that are continuously boarded up, broken or left unlocked;
33
34 3. Furnishings and personal property are absent;
35
36 4. The building or structure is deteriorating so as to constitute a threat to public health or
37 safety;
38
39 5. Reports of trespassers, vandalism or other illegal acts being committed on the real
40 property have been made to local law enforcement authorities;
41
42 6. The Owner is deceased and there is no evidence that an heir or personal representative
43 has taken possession.
44
45 h. **Inadequate Maintenance:** Whenever a building or structure becomes dilapidated,
46 decayed, damaged, has faulty construction, or otherwise is determined by any health officer

1 to be unsanitary, unfit for human habitation or in such condition that it is likely to cause
 2 sickness or disease.

3
 4 ~~e. **Responsible Agent:** ~~Agent~~ means a~~ A person, firm or other entity that, by agreement
 5 for payment of services, is responsible to a bank, lender, other financial institution or
 6 individual, for securing, maintaining, foreclosing upon or selling any residential property
 7 as the result of loan default or mortgage foreclosure proceedings whether or not the
 8 proceedings are judicial or initiated as the result of a power of sale clause in the mortgage
 9 document. In this section, agent does not include a servicing company. Except, however,
 10 an attorney shall not be deemed to be an agent if that attorney is retained solely to represent
 11 a bank, lender or other financial institution in connection with a foreclosure proceeding in
 12 a court of competent jurisdiction. A responsible agent shall be within a 30-minute radius
 13 of Barre CityCity.

14 i. ___

15 ~~j. **6(e) Ownerwner(s):** ~~shall mean a~~Any and all owners of record or trustees for such~~
 16 ~~owners. The obligation of owners under this article extend~~obligation of owners under this
 17 ~~ordinance extends to agents of such owner(s) or other persons interested (including but not~~
 18 ~~limited to mortgaggers, lien holders, agents, lenders.) in the building or structure~~who have
 19 ~~asserted possessory interest in the building where the Owner of Record has apparently~~
 20 ~~vacated the property.~~

21
 22 ~~k. **7Financial Institution:** A~~ means any individual, firm, corporation or entity such as a
 23 lender or duly constituted bank that asserts a collateral interest in real property as the result
 24 of an assignment, sale or transfer of a mortgage or similar instrument.

25
 26 ~~l. **8Foreclosure:** T~~ means the judicial process prescribed by §12 V.S.A. §4936Chapter
 27 172-, VT. Stats., and the process for non-judicial sale authorized by a power of sale clause
 28 in a mortgage document.

29
 30 ~~m. **9Servicing Company:** A~~ means an individual, firm or entity that, as a regular part of its
 31 business, provides services to the owner or holder of one or more mortgage liens which
 32 services may include collection of payments, creation and administration of escrow and
 33 insurance accounts, assessment of late-payment charges, managing loss mitigation, and
 34 securing and managing foreclosed properties on behalf of the holder of a mortgage lien or
 35 the holder's attorney or agent.

36 37 38 Sec. 23-12. Enforcement of Authority.

39
 40 a. The Code Enforcement Team is authorized to administer and enforce the provisions of this
 41 ordinance. The Code Enforcement Team may take such measures as are necessary for the
 42 proper administration of the ordinance, including, but not limited to, maintaining lists on
 43 the status of vacant buildings or structures. The Code Enforcement Team may delegate
 44 their powers and duties under this Chapter to an appropriate Administrator and/or any
 45 Inspector so designated. The Code Enforcement Team is herein referred to as the CET.

46

1. ~~For residential buildings this means that no one is legally maintaining a residence in the building. For two family and multifamily dwellings this means that none of the units are legally occupied. Housing which is used seasonally is not considered vacant.~~

2. ~~For businesses this means the building is not open for business on a regular basis.~~

3. ~~For industrial building there are no employees arriving on a regular basis and no work being performed.~~

4. ~~For these (section 23-10 (a)(1-3)) and other uses the administrative officer shall use his/her best judgment to establish standards to determine whether a building is vacant.~~

d. ~~Vacant Building Administrative Officer the Vacant Building Administrative Officer shall be annually appointed by the City Manager to administer this ordinance.~~

~~ARTICLE III. ADMINISTRATION, APPEALS, & ENFORCEMENT~~

~~Sec. 23-2013. Duties and powers of vacant building administrative officer~~ the CET.

a. ~~The vacant building administrative officer (hereinafter administrative officer) CET and/or their designee(s)~~ is hereby authorized and directed to administer and enforce the provisions of this ordinance.

a.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.~~

b.c. ~~The administrative officer~~ 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 administrative officer~~ CET shall carry proper identification when inspecting structures or premises in the performance of ~~his/her~~ their duties.

e.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.f. ~~Where it is necessary to make an inspection to enforce this ordinance, or where the administrative officer~~ CET has reasonable cause to believe there is a structure ~~which that~~ is vacant; ~~or abandoned,~~ the ~~administrative officer~~ CET shall first make a reasonable effort to locate the owner or other person having charge of the structure or premises and request

1 entry. If entry is refused the ~~administrative officer~~CET must first secure a search warrant
2 duly issued by a court [13 V.S.A. §4701].

3
4 e.g. The ~~administrative officer~~CET shall have the following powers to administer the
5 provisions of this ordinance, including, but not limited to:

6
7 1. Registering vacant structures;

8
9 2. Renewing registration of vacant buildings;

10
11 3. ~~Periodic-Semi-annual~~ inspections of registered ~~and unregistered~~ buildings for
12 compliance;

13
14 ~~3.4. Securing utilities as necessary;-~~

15
16 ~~4. Issuing municipal tickets as directed under 24 V.S.A. Chapter 59 and section 23-23 of~~
17 ~~this ordinance.~~

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

19
20 a. Where an inspection indicates that a violation of the Ordinance exists, the
21 AdministratorCET shall issue a written Order notifying the party responsible of the
22 existence of the violation(s) and the measure(s) required to correct or eliminate it. At the
23 direction of the AdministratorCET, the documentation may require the discontinuance of
24 the illegal action or condition, that violations be corrected, or significant action taken to
25 begin corrections within a defined number of business days, or require that the premises be
26 secured until it meets the standards of this chapter. The written documentation shall be
27 based on finding that the premises are a danger to the health, welfare or safety of the general
28 public and a violation of the Maintenance Standards Sec. 23-23. Written documentation
29 may further direct:

30
31 1. That the vacant ~~and/or abandoned~~ building ~~and/or property~~ be repaired, secured or
32 cleaned up so that it meets the standards of this Chapter.

33
34 2. That the vacant ~~and/or abandoned~~ building ~~and/or property~~ is unfit or unsafe because
35 it constitutes a serious danger to the health, welfare and safety of the general public,
36 and the vacant ~~and/or abandoned~~ building be secured and/or repaired so that it meets
37 the standards of this Chapter.

38
39 3. That the vacant ~~and/or abandoned~~ building is deemed a public nuisance because it
40 constitutes a danger to the health, welfare or safety of the general public, and that it
41 must be demolished pursuant to the provisions of 24 V.S.A. Chapter 83 §§3113-3118.

42
43 b. Failure to remedy a violation to the satisfaction of the AdministratorCET, the
44 AdministratorCET may bring appropriate action to enforce the provisions of this
45 ordinance.

1 1. The written Order shall state:

- 2
- 3 i. That a violation exists.
- 4 ii. The measure(s) required to correct or eliminate the violation(s).
- 5 iii. A compliance date for which such violation(s) shall be corrected.
- 6 iv. Appeal rights.
- 7 v. Penalties for non-compliance.
- 8

9 c. When the ~~Administrator~~CET investigates and issues an Order, such Order shall be sent to
 10 the Owner and/or Responsible Agent.

11

12 d. Orders shall be sent by one or more of the following means:

- 13
- 14 1. Email.
- 15 2. United States Postal Service (USPS) Certified Mail Return Receipt Requested.
- 16 3. USPS normal delivery.
- 17 4. Hand Delivery.
- 18

19 e. If an Order cannot be delivered by means listed above, the Order shall be posted in a
 20 conspicuous place on the structure or on the property.

21

22 f. Orders become effective immediately unless mailed via USPS. If mailed, the Order will
 23 take effect three (3) business days from the date the Order is issued.

24

25 g. An order shall be recorded in the municipal land records, and the Order shall thereby be
 26 effective against any purchaser, mortgagee, attaching creditor, lien holder or other person
 27 whose claim or interest in the property arises subsequent to the recording of the Order.

28

29 h. When an Order is cured and any related assessed penalties are paid, the ~~Administrator~~CET
 30 shall record an ~~discharge~~Order removal or cancellation in the Municipal Land Records.
 31 (5) If allowed by the adopted fee schedule, the waiver of registration fees.

32

33

34 **Sec. 23-2115. -Appeals of ~~administrative an enforcement officers actions~~the**
 35 **AdministratorCET.**

36

37 a. ~~(a)~~Written notice of appeal shall be submitted to the~~Administrator~~ Chief Code
 38 Enforcement Officer within ten (10) business days of the date of an Order(s), action, or
 39 findings.;

40

41 b. ~~(b)~~The ~~the~~Administrator Chief Code Enforcement Officer shall review the appeal and all
 42 related documentation and make a written determination within twenty (20) business days
 43 of receipt of an appeal, sent via United States Postal Service (USPS) Certified Mail Return
 44 Receipt Requested.;

45

1 c. ~~(e)~~ The aggrieved party may appeal the ~~Administrator~~ Chief Code Enforcement Officer's
 2 findings to the Barre ~~City~~ City Council within seven (7) business days of the date of the
 3 ~~Administrator~~ Chief Code Enforcement Officer's findings are received.

4 ~~Any owner or agent aggrieved by an order of the administrative officer may appeal within fifteen~~
 5 ~~(15) days of said order to a three person appeal committee appointed by the City Council.~~

6
 7 1. ~~(db)~~ Appeals to the appeal committee shall be made by filing a in writing and shall
 8 complaint describe in detail the issue, order, or action being appealed. In addition and
 9 any required appeals fee set by the ~~City~~ City of Barre shall be paid in full with the
 10 administrative officer.

11
 12 2. The Council shall review the appeal and all related documentation and make a witten
 13 determination within twenty (20) business days of receipt of the appeal.

14
 15 3. The City Council's findings shall be made in writing and sent via United States Postal
 16 Service (USPS) Certified Mail Return Receipt Requested.

17
 18 d. ~~(e)~~ Any owner or agent may appeal a decision of the ~~City~~ City Council by instituting relief
 19 in Superior Court under V.R.C.P. 74.

20
 21 e. ~~(e)~~ When an aggrieved party appeals an action of the ~~Administrator~~ Chief Code
 22 Enforcement Officer , the ~~CET Administrator~~ officer shall not be prevented from
 23 completing the inspection of the property and issuing any necessary orders. When an
 24 appeal is filed, the orders issued will be stayed pending resolution of the appeal, unless the
 25 orders issued are to correct life threatening issues which will not be stayed.

26
 27 For the purposes of this Section, the CET is designated as the entity who will determine
 28 life threatening issues.

29
 30 ~~(1) The administrative officer shall notify the appeal committee (or the City Council in~~
 31 ~~cases where the appeal committee is not a standing committee) within 15 days to schedule~~
 32 ~~a hearing.~~

33
 34 ~~(2) The appeal committee shall be composed of disinterested persons who are also residents~~
 35 ~~of the City.~~

36
 37 ~~(3) The board shall meet within ten (10) days of receiving the notice from the~~
 38 ~~administrative officer of the notice of appeal. All hearings shall be public, and the owner~~
 39 ~~or agent shall be given an opportunity to be heard and to present evidence and arguments.~~
 40 ~~Any owner or agent may appeal a decision of the appeal committee by instituting relief in~~
 41 ~~Superior Court under V.R.C.P. 74.~~

42
 43
 44 **Sec. 23-2216. -Enforcement and Penalties.**

45
 46 ~~(a) The Enforcement administrative officers areis required to serve a notice of violation or other~~

order on the property owner, property owner agent or person in control of property for any violation of this ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(b) Where a person fails to remedy a violation to the satisfaction of the enforcement administrative officer, the enforcement administrative officer may bring appropriate action to enforce the provisions of this ordinance.

a. Enforcement may be by any means allowed under state law including, but not limited to 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. (1) The enforcement administrative officer may issue, or direct to have issued, a Municipal 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. i. First offense. A first offence of this ordinance shall be punishable by a fine of \$100150.00. The waiver fee-fine shall be \$100.0050.

2. ii. Second and subsequent offenses. Any second or subsequent offenses of the same provision of the bylaws within a 12-12-month period shall be punishable by a fine of \$200.00 The waiver fee-fine shall be \$150.0000.

3. Each day that a violation continues after the initial seven (7) days' notice shall constitute a separate offense.

c. (2) The CET Enforcement administrative officer Administrator may notify the City City Attorney of the violations, -who may then can 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.

1
2 ~~(c) Each day that a violation continues after the initial seven (7) day notice shall constitute a~~
3 ~~separate offense. All fines imposed and collected shall be paid to the City of Barre.~~

4
5
6
7 **Sec. 23-2317. Registration, Renewal, -Fees.**

8
9 a. A registration and/or renewal registration shall be issued for an owner or responsible agent
10 after the fee required has been paid. Any fees are paid through the Permitting Office at the
11 time of registration.

12
13 b. ~~(a) The City~~ City Council will prescribe fees to be charged with respect to inspections,
14 registrations and renewals. The applicant may also be charged the cost of recording fees as
15 required by law.

16
17 c. Vacant buildings that are determined to be a nuisance property, abandoned, or recognized
18 to have inadequate maintenance, a fire hazard, including properties in mortgage default
19 according to the criteria established herein, shall be charged:

20
21 1. A fee for the initial inspection of the premises, the first time a vacant building, structure
22 or premises is registered and established on a master vacant building listing maintained
23 by the CET.

24
25 2. The fee for the first six-month registration, and every six-month period thereafter shall
26 be set on the Fee Schedule designated by City Council.

27
28 3. For commercial buildings and/or structures, the fees shall escalate at a rate of two (2)
29 times the prior year fee for each additional year a building continues as vacant or
30 abandoned regardless of the responsible party.

31
32 ~~(b) The City may place liens on any property that has failed to pay its registration fee.~~

33
34
35 ~~(b) In the adoption of a fee schedule, the City Council may authorize the administrative officer to~~
36 ~~waive registration fees where a property owner complies with all provisions of this ordinance.~~

37
38 ~~(c) In the adoption of a fee schedule, the City Council may authorize the administrative officer to~~
39 ~~waive renewal fees where a property owner has maintained compliance with the ordinance (e.g.~~
40 ~~no notices of violation) throughout the previous quarter.~~

41
42 **Sec. 23-1824. -Records.**

1 a. ~~(a) The CET enforcement administrative officers Administrator shall keep official records~~
2 ~~of registrations issued, and fees collected. Reports of inspections, notices and other orders~~
3 ~~pertaining to vacant structure issued shall be retained.~~

4
5 ~~(b) The administrative officer is responsible for recording all registrations and notices of violation~~
6 ~~in the municipal land records of the City Clerk.~~

7
8
9
10 **ARTICLE IV. REGISTRATION**

11 ~~5. — If allowed by the adopted fee schedule, the waiver of registration fees.~~

12
13 **Sec. 23-21. — Appeals of administrative officer actions.**

14
15 a. — ~~Any owner or agent aggrieved by an order of the administrative officer may appeal within~~
16 ~~fifteen (15) days of said order to a three person appeal committee appointed by the City Council.~~

17
18 b. — ~~Appeals to the appeal committee shall be made by filing a written complaint and any~~
19 ~~required fee with the administrative officer.~~

20
21 1. — ~~The administrative officer shall notify the appeal committee (or the City Council in cases~~
22 ~~where the appeal committee is not a standing committee) within 15 days to schedule a hearing.~~

23
24 2. — ~~The appeal committee shall be composed of disinterested persons who are also residents~~
25 ~~of the City.~~

26
27 3. — ~~The board shall meet within ten (10) days of receiving the notice from the administrative~~
28 ~~officer of the notice of appeal. All hearings shall be public, and the owner or agent shall be given~~
29 ~~an opportunity to be heard and to present evidence and arguments. Any owner or agent may appeal~~
30 ~~a decision of the appeal committee by instituting relief in Superior Court under V.R.C.P. 74.~~

31
32 **Sec. 23-22. — Enforcement**

33
34 a. — ~~The administrative officer is required to serve a notice of violation or other order on the~~
35 ~~property owner, property owner agent or person in control of property for any violation of this~~
36 ~~ordinance. Such order shall direct the discontinuance of the illegal action or condition and the~~
37 ~~abatement of the violation.~~

38
39 b. — ~~Where a person fails to remedy a violation to the satisfaction of the administrative officer,~~
40 ~~the administrative officer may bring appropriate action to enforce the provisions of this ordinance.~~
41 ~~Enforcement may be by any means allowed under state law including, but not limited to:~~

42
43 1. — ~~The administrative officer may issue, or direct to have issued, a Municipal Complaint and~~
44 ~~pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A.~~
45 ~~§1974 and §1977 with penalties as prescribed below:~~

1 ~~i. First offence. A first offence of this ordinance shall be punishable by a fine of \$100.~~

2
3 ~~ii. The waiver fee shall be \$50.~~

4
5 ~~iii. Subsequent offences. Any subsequent offences of the same provision of the bylaws within a 12~~
6 ~~month period shall be punishable by a fine of \$200. The waiver fee shall be \$100.~~

7
8 ~~2. (2) The administrative officer may notify the City Attorney of the violation who can take~~
9 ~~action in Superior Court seeking injunctive relief with penalties as prescribed by law.~~

10
11 ~~e. Each day that a violation continues after the initial seven (7) day notice shall constitute a~~
12 ~~separate offense. All fines imposed and collected shall be paid to the City of Barre.~~

13
14 ~~**Sec. 23-23. Fees.**~~

15
16 ~~a. The City Council may prescribe reasonable fees to be charged with respect to inspections,~~
17 ~~registrations and renewals. The applicant may also be charged the cost of recording fees as required~~
18 ~~by law.~~

19
20 ~~b. In the adoption of a fee schedule, the City Council may authorize the administrative officer~~
21 ~~to waive registration fees where a property owner complies with all provisions of this ordinance.~~

22
23 ~~c. In the adoption of a fee schedule, the City Council may authorize the administrative officer~~
24 ~~to waive renewal fees where a property owner has maintained compliance with the ordinance (e.g.~~
25 ~~no notices of violation) throughout the previous quarter.~~

26
27 ~~**Sec. 23-24. Records.**~~

28
29 ~~a. The administrative officer shall keep official records of registrations issued, and fees~~
30 ~~collected. Reports of inspections, notices and other orders issued shall be retained.~~

31
32 ~~b. The administrative officer is responsible for recording all registrations and notices of~~
33 ~~violation in the municipal land records of the City Clerk.~~

34
35 ~~**ARTICLE IV. REGISTRATION**~~

36
37 ~~**Sec. 23-1930. Registration and Registry, transferability, timeframes.**~~

38
39 ~~a. A Vacant Building Registration shall be required under the terms of this ordinance. Any~~
40 ~~person(s) carrying on without a Vacant Building Registration shall be deemed in violation~~
41 ~~of this ordinance.~~

42
43 ~~b. Unless exempted within these regulations, A~~ all vacant properties shall register with the
44 City within 60 days of the effective date of the ordinance or within 60 days of a building
45 becoming vacant thereafter. ~~Applications are made to the Permitting office.~~

- 1 c. Within ninety (90) days of purchasing, transferring, assigning or acquiring a vacant or
2 abandoned building or structure meeting the definitions of this Ordinance, the owner or a
3 Responsible Agent shall apply for a vacant building registration.
4
- 5 d. Registrations will run from ~~April~~ July 1 to ~~Dec~~ September 31~~0~~ and ~~January~~ October 1 to
6 June~~March~~ 31~~0~~.
7
- 8 e. A Registration pursuant to this ordinance shall be issued to the owner or responsible agent
9 of the vacant building named on the approved registration application. One registration
10 may be issued for a vacant building and shall be deemed to cover only such building under
11 single ownership. No transfer of registration is allowed between owners or between
12 buildings.
13
- 14 f. All fees shall be paid semi-annually with the registration form in full for the period being
15 registered in, and no proration's shall be allowed.
16
- 17 g. If, upon investigation of a property it should be determined that the property is either
18 vacant, abandoned, or in foreclosure or no property owner can be located, the bank, lender,
19 other financial institution or its responsible agent or servicing company, shall register the
20 property in the name of the lien holder with the City on a form prescribed by the City that
21 includes, but is not limited to, information identifying the location of the property, the last
22 known owner or owners of the property, the date foreclosure proceedings were commenced
23 and the docket number of the foreclosure action, a description of the external condition of
24 the property and whether there is an accessory structure on the property. Registration
25 information shall identify the agent or servicing company, if any, that is authorized by the
26 lien holder to enter upon the property and to conduct repairs or maintenance.
27
- 28 h. The CET shall develop, collect and maintain all forms and applications necessary for the
29 administration of the Vacant Building Registry. Applications shall be reviewed by the
30 CET in a timely manner and decisions issued within 10 business days of the application.
31
- 32 i. A current Time of Sale Inspection is completed for all vacant buildings or structures when
33 they are no longer registered or the status of the property changes.
34
- 35 a.j. No registration shall be approved until both required fees are paid (inspection fee and either
36 a registration or renewal fee) and a copy of the required insurance is provided to the City
37 and until the CET is satisfied from an examination of the application and any inspections
38 deemed necessary. Applicants have the burden to demonstrate compliance with the adopted
39 codes.
40
- 41
- 42 (b)
43
- 44 (b)e) — (e)
45
- 46 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

1 vacant. This does not place any responsibility for the condition of the property on the
 2 Police Chief. This agent designation is only meant to allow City officials to formally issue
 3 trespass orders and remove persons who may be illegally occupying the vacant property.

4
 5 l. It shall be the responsibility of the Owner or Agent to notify the CET when a property is
 6 ready to be removed off the catalog master list.

7 ~~b. The administrative officer shall develop all forms and applications necessary for the~~
 8 ~~administration of vacant buildings permits. Applications shall be reviewed by the~~
 9 ~~administrative officer in a timely manner and decisions issued promptly.~~

10
 11 ~~c. No registration shall be approved until both required fees are paid (inspection fee and either~~
 12 ~~a registration or renewal fee) to the city and until the administrative officer is satisfied from~~
 13 ~~an examination of the application and any inspections deemed necessary. Applicants have~~
 14 ~~the burden to demonstrate compliance with the adopted codes.~~

15
 16 ~~1. Initial registration fees shall be prorated to cover the remaining cost of the period in~~
 17 ~~which they are presently in.~~

18
 19 **Sec. 23-3120. Registration Renewal.**

20
 21 a. The ~~administrative officer~~CET shall process vacant building registration renewals semi-
 22 annually.

23
 24 b. Applicants shall be required to submit renewal registration applications and all applications
 25 shall be processed in the same manner as a registration (Sec. 23-3019).

26
 27 c. Should an Owner or Responsible Agent sell the property or change companies, the burden
 28 of proof is on the Owner or Responsible Agent to notify the AdministratorCET to update
 29 records.

30
 31 d. The Owner or Responsible Agent shall have the continuing obligation to notify the CET
 32 of any changes in the information required by the Registry forms.

33
 34 ~~b.c.~~ It shall be a violation of Vacant and/or Abandoned Buildings Ordinance for the Owner or
 35 Responsible Agent to fail to register the vacant and/or abandoned structure as required by
 36 this Chapter.

37
 38 **Sec. 23-21. Inspection Procedures.**

39
 40 a. The Owner and/or Agent shall arrange for an initial inspection of the building and premises
 41 with the AdministratorCET and/or appropriate police and fire officials prior to registering
 42 the property in the City of Barre Vacant and/or Abandoned Building Registry.

43
 44 b. If the AdministratorCET -has reason to believe that an emergency situation exists tending
 45 to create an immediate danger to the health, welfare, or safety of the occupants of the
 46 surrounding properties, or the general public, he/she may enter, examine and document the

1 structure at any time.

2
3 c. The CET, at the time of any inspection, shall issue any order for work needed to:

4
5 1. Comply with this ordinance and adequately protect the building from intrusion by
6 trespassers and from deterioration by weather in accordance with the maintenance
7 standards found in Sec. 23-23.

8
9 2. Ensure that the building will not remain detrimental to public health, safety and welfare,
10 will not unreasonably interfere with the reasonable and lawful use and enjoyment of
11 other premises within the neighborhood, and will not pose an extraordinary hazard to
12 police officers or firefighters entering the premises in times of emergency.

13
14 3. When issuing Orders, Sec. 23-14 shall be followed.

15
16 **ARTICLE V. RESPONSIBILITIES OF BUILDING OWNERS**

17
18 **Sec. 23-2402. Responsibilities of Vacant Building Owners.**

19
20 ~~a. Owners of vacant buildings have the responsibility to keep the vacant buildings safe and~~
21 ~~to minimize the impact of the vacancy on adjacent and proximate property owners. To this~~
22 ~~end, they are required to:~~

23
24 ~~1. Security. The owner and subsequent owners shall keep the building secured per the~~
25 ~~requirements of Chapter 4 of the City Ordinances Buildings and Building~~
26 ~~Construction.~~

27
28 ~~i. Where the administrative officer makes a written determination that a vacant~~
29 ~~building is not secure, the owner shall provide bonded, licensed, and insured~~
30 ~~security guard service at the building between the hours of 6:00 p.m. and 6:00 a.m.~~
31 ~~Such service to remain in place until the administrative officer gives written notice~~
32 ~~that the building has been secured.~~

33
34 ~~a. (a) The owner of a vacant building vacant and/or abandoned building or structure shall~~
35 ~~register it as a Vacant Building with the City City of Barre for the period during which~~
36 ~~the property is vacant and any period thereafter. When a building or structure becomes~~
37 ~~vacant, as defined by sSec. 23-10-11, steps must be taken to register as defined by Sec. 23-~~
38 ~~19.~~

39
40 ~~If the building or structure remains vacant for a period of one year, the owner shall arrange for an~~
41 ~~inspection of the building and premises with the enforcement officer and appropriate police and~~
42 ~~fire officials prior to re-registering the property in the City of Barre Vacant Building Registry.~~

43
44 b. A vacant building shall not be a dangerous building, pursuant to Chapter 4 Buildings and
45 Building Construction, Section 4-40, Abatement and Rehabilitation of Dangerous
46 Structures.

- 1
2 c. ~~(b)~~ The owner of a ~~vacant building~~ vacant and/or abandoned building or structure shall
3 comply with all building, fire, life safety, zoning, and other applicable codes or ordinances
4 and shall apply for all necessary building, fire prevention, and zoning permits upon
5 application for a vacant building construction permits to meet the Maintenance Standards
6 as stated in this ordinance.-
7
- 8 d. ~~(e)~~ The owner of a ~~vacant building~~ vacant and/or abandoned building or structure shall
9 immediately remove all combustible waste and refuse therefrom in compliance with the
10 applicable fire prevention code and shall remove any waste, rubbish or debris from the
11 interior of the structure. The owner of a ~~vacant building~~ vacant and/or abandoned building
12 or structure shall also immediately remove any waste, rubbish, debris or excessive
13 vegetation from the yards surrounding the ~~vacant building~~ vacant and/or abandoned
14 building or structure in accordance with the ~~vacant building m~~ Maintenance sStandards in
15 Sec. 23-23 of this article.-
16
- 17 e. ~~(d)~~ The owner of a ~~vacant building~~ vacant and/or abandoned building or structure shall
18 immediately lock, barricade or secure all doors, windows and other openings in the
19 building or structure to prohibit entry by unauthorized persons, in accordance with the
20 ~~vacant building~~ vacant and/or abandoned building maintenance standards of this ordinance.
21 The owner of a ~~vacant building~~ vacant and/or abandoned building or structure shall provide
22 the police department with a list of persons authorized to be present in the building and
23 shall provide notices of trespass to the police authorizing the arrest for trespass of
24 individuals not on the list. The owner shall update the authorized person list as needed.
25
- 26 f. The owner or responsible agent shall provide an Emergency Contact Sheet
27 Administrator upon completed registration or renewal.
28
- 29 g. The Owner or Responsible Agent shall purchase and install an emergency access key-box
30 approved by the Fire Department.
31 =
32
- 33 h. ~~(e)~~ The obligations of owners of a ~~vacant building~~ vacant and/or abandoned building or
34 structure are continuing obligations that are effective throughout the time of vacancy, as
35 that term is defined in this ordinance. The ~~enforcement officers~~ Administrator CET shall
36 have continuing abatement authority throughout the time of vacancy.
37
- 38 i. Should an ~~the Administrator~~ CET -believe that the property poses a serious threat, the
39 City City may secure the property at the expense of the Owner or Responsible Agent and
40 the cost of securing may be a lien as filed in the City City Land Records.
41
- 42 2. ~~Code Compliance.~~ Where requested by the Administrative Officer, the owner shall
43 allow for a Code Compliance inspection of the interior of the vacant building. Such
44 inspection will determine the extent of compliance with City property, building, health,
45 fire, water, and sewer codes. The City shall send the inspection report to the owner
46 within thirty (30) days.

- 1
2 i. ~~Prior to and during winter months the administrative officer may require additional~~
3 ~~measures to be instituted by owners of vacant buildings to help prevent against~~
4 ~~freezing of pipes and other winter damage.~~

5
6 **Sec. 23-23. Maintenance Standards.**

- 7
8 a. In the judgement of the CET, a vacant building or structure shall be deemed adequately
9 protected from intrusion by trespassers and from deterioration by the weather if it satisfies
10 the following ~~vacant building~~vacant and/or abandoned building maintenance standards:-

- 11
12 1. ~~(1)~~Building openings: Doors, windows, areaways and other openings shall be
13 weather-tight and secured against entry by birds, vermin and trespassers. Missing or
14 broken doors, windows and other such openings shall be covered by glass or other rigid
15 transparent materials that are weather protected, and tightly fitted and secured to the
16 opening.
- 17
18 2. ~~(2)~~Roofs: The roof and flashings shall be sound and tight, not admit moisture or have
19 defects that might admit moisture, rain or roof drainage, and allow for drainage to
20 prevent dampness or deterioration in the interior walls or interior of the building.
- 21
22 3. ~~(3)~~Drainage: The building storm drainage system shall be functional and installed in
23 an approved manner, and allow discharge in an approved manner.
- 24
25 4. ~~(4)~~Building structure: The building shall be maintained in good repair, structurally
26 sound and free from debris, rubbish and garbage. The building shall be sanitary. The
27 building shall not pose a threat to the public health and safety.
- 28
29 5. ~~(5)~~Structural members: The structural members shall be free of deterioration and
30 capable of safely bearing imposed dead and live loads.
- 31
32 6. ~~(6)~~Foundation walls: The foundation walls shall be maintained structurally sound and
33 in a sanitary condition so as not to pose a threat to public health and safety, shall be
34 capable of supporting the load which normal use may cause to be placed thereon, and
35 shall be free from open cracks and breaks, free from leaks, and be animal proof.
- 36
37 7. ~~(7)~~Exterior walls: The exterior walls shall be free of holes, breaks, and loose or rotting
38 materials. Exposed metal, wood, or other surfaces shall be protected from the elements
39 and against decay or rust by periodic application of weather-coating materials, such as
40 paint or similar surface treatment.
- 41
42 8. ~~(8)~~Decorative features: The cornices, belt courses, corbels, terra cotta trim, wall
43 facings and similar decorative features shall be safe, anchored, and in good repair.
44 Exposed metal, wood, or other surfaces shall be protected from the elements and
45 against decay or rust by periodic application of weather-coating materials, such as paint
46 or similar surface treatment.

1
2 9. (9) Overhanging extensions: All balconies, canopies, marquees, signs, metal awnings,
3 stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good
4 repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected
5 from the elements and against decay or rust by periodic application of weather-coating
6 materials, such as paint or similar surface treatment.

7
8 10. (10) Chimneys and towers: Chimneys, cooling towers, smokestacks, and similar
9 appurtenances shall be structurally safe and in good repair. Exposed metal and wood
10 surfaces shall be protected from the elements and against decay or rust by periodic
11 application of weather-coating materials, such as paint or similar surface treatment.

12
13 11. (11) Walkways: Walkways shall be safe for pedestrian travel.

14
15 12. (12) Accessory and appurtenant structures: Accessory and appurtenant structures
16 such as garages, sheds, and fences shall be free from safety, health, and fire hazards
17 and shall comply with these ~~vacant building~~ ~~vacant and/or abandoned building~~
18 maintenance standards.

19
20 13. (13) Premises: The premises upon which the structure or building is located including
21 adjoining yard areas shall be clean, safe, and sanitary, free from waste, rubbish, debris
22 or excessive vegetation, graffiti, litter, portable toilets, rodents, standing water, and
23 other deleterious features and shall not pose a threat to the public health or safety.

24
25 14. Maintain curb appeal:- A vacant building, including adjoining yard areas, shall be
26 maintained free of debris, garbage, graffiti, litter, portable toilets, rodents, standing
27 water, and other deleterious features. If present, lawns shall be maintained such that
28 they do not exceed 6 inches in length during the summer months. In winter months,
29 driveways, walkways and sidewalks (if present) shall be plowed and shoveled.

30
31 3.15. Winterization: It is the responsibility of the owner or agent to ensure that a vacant
32 building or structure with plumbing shall have its water turned off, and ensure all pipes
33 are drained to prevent any damage while not used. ~~vacant building and/or abandoned~~

34
35 **Sec. 23-24. Demonstrate Proper Liability Insurance.**

36
37 4.1. Demonstrate proper liability insurance. Owners of vacant buildings shall be required
38 to maintain liability insurance for as long as the building is vacant, and file evidence of
39 such insurance with the administrative officer CET, upon registration and renewal, as
40 follows: \$500,000 for a vacant building or structure in the conservation district or R-
41 10 residential district; \$750,000 for a vacant building or structure in the planned
42 residential district; \$1,000,000 for a vacant building or structure in the commercial
43 district, industrial/commercial district, industrial district, and downtown mixed use
44 district; and \$2,000,000 for a vacant building in the central business district.

45
46 1. i.—Owners of properties who choose to self-insure shall be required to demonstrate a

1 bond or other proof of insurance. The City reserves the right to review such records
2 with the City Attorney to determine the validity of the self-insurance claim. The
3 applicant maintains the burden of proof to demonstrate compliance with this provision.
4

- 5 2. ii. Liability policies shall include and follow generally accepted insurance provisions
6 and practices.
7

8 **Sec. 23-25. Emergency Boarding of Vacant or Abandoned Buildings.**
9

10 a. For the purposes of this ordinance, "emergency boarding" shall mean the covering of all
11 entry points, including all doors and windows, with plywood or other materials for the
12 purpose of preventing entry into the buildings by persons or animals, in a timely manner
13 as dictated by the CET, and until proper openings are placed as cited in Sec. 23-23(a)(1).
14

15 b. Vacant buildings shall be boarded when the building can no longer be secured against
16 intrusion by the closing and locking of doors and windows.
17

18 c. Vacant buildings that are immediately dangerous and are open and accessible to the general
19 public may be summarily boarded by the CET, pursuant to this Ordinance.
20

21 ~~-(New Chapter Added Ord. No. 2009-02, 09-08-09).~~

22 **Sec. 23-26. Noncompliant buildings or property.**

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