

Vacant Building Ordinance Update
 Comment Table as of 4/25/2019

<u>Section</u>	<u>Commenter</u>	<u>Notes</u>	<u>Code Enforcement Team or Council Response</u>
23-21.b. Inspection Procedures	O. Twombly	change the word "or" to "of" where it says, "...safety of the occupants or the surrounding..."	Corrected.
23-11.d. Definitions	C. Dawes	Remove 1 st and 2 nd commas to clarify meaning of the sentence	Corrected.
23-11.d. Definitions	O. Twombly	Reword sentence to say, "A building, in the judgement of the CET shall be considered to be a vacant building, if it meets..."	Revised.
23-11.d. Definitions	Various at 4/23/19 meeting	Wording for #1 still doesn't make sense to many; what about a tenant there, perhaps strike "unauthorized persons"; need to work on the "legally occupied" for clarity, perhaps compare with rental registry	
23-11.d. Definitions	Various at 4/23/19 meeting	Revise to be like 23-4.a., start with the words "Unless specifically exempted..."	
23-11.d.1. Definitions	C. Dawes	It seems odd to specify "residential or commercial" buildings. Doesn't that cover all buildings? Are there other kinds?	Revised to reflect the words vacant building
23-11.d.1. Definitions	J. Steinman	Missing a word between "unoccupied" and persons in the first line	Corrected.
23-11.e. Definitions	O. Twombly	Anywhere it says "assigns" should really state "designees", and make change throughout entire ordinance.	Corrected.
23-11.e. Definitions	Renita Marshall via Fanpage	<p>Here are my concerns: blighted, is a judgmental term - when Sue Higby was pitching her "project 2020" at the library, I asked for an example of a neighborhood that had more than one blighted property - her example was ORANGE STREET! She indicated there were three homes vacant in that area and 'we have no idea what kind of activity is going on in there'. I drove the neighborhood to see what an example would look like - all I found was one home that was for sale and certainly not what I would consider 'blighted'. I did reach out to her and let her know I thought using Orange St as an example would be a hard sell. If Orange Street is going to be the standard, I'm pretty sure MANY homes in Barre could be considered blighted. A home is very personal and having a committee sit around and judge their neighbors is not the Barre I love. I believe this ordinance targets the lowest-income population and that is offensive to me.</p> <p>Under description of the "blighted premises" it indicates that "in the judgement of the CET, any building, structure or parcel of land...in which at least one of the following conditions exist:...2. It is attracting illegal activity as documented by the Police Department". I live on a quiet residential street, one house on our street had a tenant who was apparently quite a large drug dealer - the house was raided by several local police departments and the tenant placed in jail - but this was a two story modular cape home - nothing about it "blighted". Other items that could make your home be considered 'blighted': not present with functioning locks or seriously damaged or missing siding or creating a substantial and unreasonable interference with the...enjoyment of other space within the neighborhood as documented by neighborhood complaints" (your neighbors don't like your pink house, they complain alot). I strongly encourage my Councilors, Michael Boutin and Teddy Waszazak to NOT pass this ordinance until the judgement term of 'blighted' is removed.</p>	<p>After the team meeting Thursday 4/18/19, it was agreed that our intent was not to update the ordinance to take on blighted and occupied buildings - that this could be a separate ordinance of the Council's choosing in the future. Using Merriam-Webster dictionary as a reference for common terms, blight falls to the 4th definition, meaning a deteriorated condition. The Team ultimately decided to remove all references to blight in this work.</p>

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23-11.e. Definitions	Councilor Waszazak via Council Mtg 3/26/19	Either "crisp" up the term <u>blight</u> or remove.	See above.
23-11.e. Title	D. Delcore	As this is now written, it appears as tho we are going to monitor blighted buildings, but its not clear if they are blighted-vacant, or blighted-occupied, or both.	After the team meeting Thursday 4/18/19, it was agreed that our intent was not to update the ordinance to take on blighted and occupied buildings - Blighted buildings could be a separate ordinance of the Council's choosing in the future. Using Merriam-Webster dictionary as a reference for common terms, blight falls to the 4th definition, meaning a deteriorated condition. The Team ultimately decided to remove all references to blight in this work.
23-11.f.3. Definitions	D. Delcore	This appears to state that if anyone with a vacant structure can put up a for-sale or for-lease sign and they are exempt from any of this ordinance and the maintenance standards. This could be taken advantage of and we have no leverage to get someone to comply based on this line alone.	It was determined by the CET that this wording is just too difficult, and we don't need to state whether or not a structure is for sale or not, that there is other wording in the entire ordinance that will help determine compliance or not. Line removed.
23-11.f.3. Definitions	C. Dawes	Remove apostrophe from "its"	Thank you – corrected.
23-11.f.3. Definitions	Sarah Lanzit via Fanpage	Is there anything in the bill that would prevent owners from listing the building as for sale/lease/rent but not accepting reasonable offers? How is "actively" defined? It seems like listing a building as for rent but not seriously entertaining offers would be an easy way to get around this	This line has since been removed and the rest of the ordinance requirements will take care of any for sale or lease building.
23-11.f.3. Definitions	Samantha Hiscock via Council Mtg 3/26/19	Has issues with the ability for someone to put up a sign for sale, appears as if this would allow then to then continue with a messy vacant building. Please remove the signage portion of the sentence.	See above.
23-11.f.3. Definitions	O. Twombly	add the words, "or lease" after "actively for sale..."	Line removed - see above.

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23-11.f.4. Definitions	O. Twombly	Separate these two thoughts, make the seasonal reference its own number, separate from the armed forces reference	Revised per suggestion.
23-11.g. Definitions	Various at 4/23/19 meeting	Wants police reports confirmed, adding perhaps "and confirmed" or "and substantiated"; are we relying on a phone call to the police, and how are they/we being contacted to share information?	
23-11.g. Definitions	Willy Jane Patry 4/23/19	wants a timeframe added so that there is a point at which the time has been drawn	
23-11.g. Definitions	Mayor	Abandoned - overall need to ensure the criteria meets the definition. Appears to try to be a "vacant abandoned" building, versus only abandoned	
23-11.h.2. Definitions	C. Dawes	The sudden use of the term "mortgages premises" seems random. Is there a specific reason for it? Does it need to be defined?	Term has been removed in all instances throughout the draft.
23-11.h.2. Definitions	O. Twombly	Remove all references to the term "mortgaged premises" in all 5 instances and replace appropriately	Term has been removed in all instances throughout the draft.
23-11.j. Definitions	C. Dawes	Last line – remove the word "the"	Corrected.
23-11.k. Definitions	WillyJane Patry via Council Mtg 3/26/19	Wishes to have the "etc." removed from the list within parentheses, this could lead to problems.	Revised per suggestion.
23-11.l. Definitions	O. Twombly	remove the words "other than" in the first sentence and replace with "such as". Remove the term "residential" in the sentence, as its either real property (real estate) or personal property (everything other than real property, that which is tangible)	Revised per suggestion.
23-11.e. Definitions	WillyJane Patry via Council Mtg 3/26/19	term "blighted" needs to be defined better	See above.
23-13 Vacant Buildings	C. Dawes	This section seems odd – informational, but nothing for compliance, etc.	An additional narrative to the Statement of Findings and Purpose, and really isn't needed. Section has been removed.
23-13 Vacant Buildings	O. Twombly	While this section is a nice narrative, its not needed. Take item "c" and either add as a preamble, or better yet, add to 23-2 as letter "c", and remove the rest, fix all the numbering, etc.	Revised per suggestion: this entire section has been removed with the exception of letter c added to the Findings section.
23-13.b. Duties and Powers	O. Twombly	Add "or their designee" after CET in first sentence	Corrected.
23-13.g.3. Duties and Powers	Various at 4/23/19 meeting	with unregistered buildings, do the same penalties apply? Still doesn't look clear if the vacant building needs to be n the registry to be fined, or if there are more finds for those that are not registered.	
23-13.g.5. Duties and Powers	O. Twombly	Remove item #5, you've already stated this in the previous section.	Corrected.
23-14.a. Documentation and Orders	C. Dawes	Add a comma in the phrase "...within a defined number of business days, or require that..."	Corrected.

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23-15.b. Appeals	C. Dawes	Time for sending notification of appeal to City Council needs to change to 10 days, not seven, and wording is not strong on the timeframe an appellant has to get something to City Council. Will provide statutory language for lister appeals to assist.	Took the lister appeal language and incorporated into the draft.
23-15.c. Appeals	C. Dawes	Refers to "when the findings are "being made public", but doesn't say when their made public. Is it when a written determination has been made?	Revised per discussion by CET
23-15.c. Appeals	Mayor	change from current to ten days, and from sent, not received	
23-15.f. Appeals	O. Twombly	Who determines the life threatening issues? Is it the CET? If so, then make reference, by adding a sentence: "For the purposes of this section, the CET is designated as the entity who will determine life threatening issues.	Revised per suggestion.
23-15e. Appeals	C. Dawes	No language about council appeal process. Should there be?	Council decided at the 3/26/19 meeting that they would like to keep the additional layer of appeal before going to Supreme Court. Procedural steps have been added.
23-16.d. Enforcement	O. Twombly	A municipality needs the authority to place liens. Does the City have this authority? Title 24 and Clerk need to be consulted - this reference to liens may need to come out.	To get a lien you would need to issue a citation(for failure to pay the registration fee) and obtain judgment from the judicial bureau. That judgment can be recorded in the land records and that would constitute a lien. This has been removed from the draft.
23-17.c.1. Registration, Renewal, Fees	C. Dawes	I suggest removing "and only for" to clarify.	Corrected.
23-19.f. Registration and Registry	O. Twombly	Change bi-annually to "semi-annually" as this refers to every two years	bi-annually and semi-annually mean similar, twice per year, just at a different frequency. Used "semi-annually" as requested by Counsel.
23-19.i. Registration and Registry	O. Twombly	Remove the words "commercial and multi-family dwellings" and replace with "vacant buildings" to be better encompassing	Corrected.
23-19.k. Registration and Registry	O. Twombly	Add words to the last sentence from "formally trespass" to say "formally issue trespass orders"	Revised per suggestion.
23-2.c. Statement of Findings	Mayor	word blight on line 26, should it stay when we have removed the definition of blight?	
23-20.d. Registration Renewal	C. Dawes	Correct "changed" to "changes"	Corrected.
23-22.a. Owner Responsibilities	C. Dawes	The way it's currently written, it sounds like the owner is registering him or herself as a vacant building. Perhaps add "it" so it reads "...the owner of a vacant building shall register it as a vacant building with the City of Barre..."	Corrected.
23-22.i. Owner Responsibilities	C. Dawes	There's an errant hyphen after the first CET.	Corrected.
23-22.i. Owner Responsibilities	O. Twombly	A municipality needs the authority to place liens. Does the City have this authority? Title 24 and Clerk need to be consulted - this reference to liens may need to come out.	A lien is allowed by 24 VSA 3116. The lien referenced in section 23-22 paragraph i is authorized by the state statute. The lien allowed is in connection with the cost of tearing down or otherwise making the building safe. 23-23 I is ok.
23-23.a.1. Maintenance Standards	C. Dawes	Says broken windows and doors must be covered with glass or transparent materials, but in 23-25 it says plywood.	Owners are to maintain building openings as if someone were living there, with doors and windows. Required boarding has been reworded to "Emergency boarding" be more specific.

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23-23.a.1. Maintenance Standards	J. Steinman	Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials that are weather protected, and tightly fitted and secured to the 16 opening. Do we really want missing doors replaced with transparent media? Needs to be worded better.	
23-23.a.14. Maintenance Standards	C. Dawes	Mentions shoveling driveways and sidewalks. What about walkways?	added per suggestion.
23-23.a.15. Maintenance Standards	C. Dawes	Missing word. Perhaps add "have" in "...with plumbing shall have its water turned off..."	Corrected.
23-23.a.16. Maintenance Standards	WillyJane Patry via Council Mtg 3/26/19	Feels that the insurance requirements should at least be a separate section; and that this feels very punitive.	This is a carry-over from the current ordinance in place; no changes have been made.
23-23.a.16. Maintenance Standards	WillyJane Patry via Council Mtg 3/26/19	Insurance should be its own section, not found under maintenance standards.	Per CET, we made Insurance its own section, Sec. 23-24, with changes reverting back to the current ordinance language.
23-23.a.16. Maintenance Standards	O. Twombly	There is a mixture of current and proposed ordinance references in the insurance section - be sure it references what the current zoning map districts are.	Corrected.
23-24 Liability Insurance	Various from 4/23/19 meeting	insurance HIGH, not sure of accuracy compared to other similar ordinances; need to understand cost of liability insurance for vacant structures; are these amounts justified?	
23-25 Boarding	C. Dawes	one place mentions glass windows, the other mentions plywood. What instance can plywood be added to a building opening? Is this section just for the Code Enforcement people?	In maintenance standards, the expectation is that the owner is going to maintain building openings as if someone were living there, with proper windows or doors. In the instance that its an emergency and some form of covering needs to be applied, plywood can be added, and allows the CET to apply plywood in an emergency situation.
23-3.b. Purpose	C. Dawes	Remove "to" at beginning of line, as it's already in the starting language.	Done.
23-3.b. Purpose	C. Dawes	Reverse document and define, as they happen in reverse order.	Done.
23-3.c. Purpose	C. Dawes	Remove "to" as above	Done.
23-3.d. Purpose	C. Dawes	Remove "to" as above	Done.
23-3.d. Purpose	C. Dawes	The word "such" appears twice in the sentence and is a bit confusing. I suggest removing "caused by such"	Done.
23-8 Liability Disclaimer	C. Dawes	Last line - I think "of" is supposed to be "or"	Done.

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23-9 Effective Date of Ordinance	C. Dawes	By charter, ordinances take effect after publication, not after council approval. I suggest changing it to say, "Upon adoption by the Barre 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."	Revised to reflect suggested wording.
23-9 Effective Date of Ordinance	O. Twombly	Not worded well, please reword.	Revised to reflect suggested wording by City Clerk.
23-9.a. Effective Date	Mayor	Charter change, effective date 14 days after passage? Janet to check	
notes in general	Various at 4/23/19 meeting	protection from squatters a benefit of the VBO should be mentioned or promoted!	
notes in general	Mayor	does this apply to landowners and landlords?	