

VACANT BUILDING ORDINANCE WILLIAMSTOWN, VT

SECTION 1. AUTHORITY. This ordinance is adopted by the Williamstown Select Board under authority granted in 24 V.S.A. Sec. 2291 (13), (14), and (15) and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. 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, provide a location for criminal activity, provide shelter for wild and feral animals, undermine the aesthetic character of the street and village and have other undesirable effects. 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. The purpose of this ordinance is to abate these public nuisances caused by vacant buildings and to mitigate their impacts. This ordinance does not create any liability on the part of the Town, 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.

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

A. Health Officer. The person appointed by the Select Board to enforce this ordinance. The Health Officer may hold any other office in the Town of Williamstown. Nothing in this ordinance shall prevent the Health Officer from performing his or her duties under other regulations or ordinances that he or she is designated to administer and enforce. In the event that the Health Officer is unavailable or has a conflict of interest, the Chairman of the Selectboard shall perform the functions of the Health Officer.

B. Vacant Building. Any building or structure that is not legally occupied by a person for a period of 60 days.

(1) For residential buildings this means that no one is legally maintaining a residence in the building. For multifamily dwellings this means that none of the units are occupied.

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

(3) For industrial buildings this means that there are no employees arriving on a regular basis and no work being performed.

(4) For these (section 3B (1-3)) and other uses, the Health Officer shall use his/her best judgment to determine if a building is vacant.

EXEMPT BUILDINGS:

- A. Designated warehouse, garage, building or structure used only on a seasonal basis.
- B. Building owner is progressing diligently to complete repair or rehabilitation.
- C. Primary residences of members of the armed forces on active duty.
- D. Lawful seasonal or resort residents of facilities being occupied periodically during the year.
- E. Actively being maintained and monitored by the owner as defined:
 - i. Maintenance of the building is in continuing compliance with all applicable codes and regulations;
 - ii. Prevention of criminal activity on the premises;

SECTION 4. FEES

A. The Select Board may prescribe reasonable fees to be charged with respect to inspections, registrations and renewals. The applicant may be charged the cost of recording fees as required by law.

B. In the adoption of a fee schedule, the Select Board may authorize the Health Officer to waive renewal fees where a property owner complies with all provisions of this ordinance.

C. In the adoption of a fee schedule, the Select Board may authorize the Health Officer to waive renewal fees where a property owner has maintained compliance with the ordinance (no notices of violation) during the previous registration period.

SECTION 5. REGISTRATION

A. Unless exempted by these regulations, all vacant properties shall register with the Town of Williamstown within 60 days of the effective date of this ordinance or within 60 days of a building becoming vacant thereafter.

B. Initial and renewal registration forms are an appendix to this ordinance. All applications shall be reviewed by the Health Officer in a timely manner and decisions issued promptly.

C. No registration shall be approved until inspection and initial/renewal registration fees are paid (unless waived by the Health Officer or Select Board) and the Health Officer is satisfied with the condition of the property.

D. Initial registration fees shall be prorated to cover the remaining cost of the registration period in which they are in presently.

E. The Town Manager or her/his Assistant shall process vacant building registration renewals annually. Applicants shall be required to submit renewal applications in a timely fashion, and these will be processed in the same manner as an initial registration.

SECTION 6. OBLIGATIONS OF VACANT BUILDING OWNERS. A vacant building owner shall ensure that the following measures have been undertaken to secure a vacant building.

A. Building openings, doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by appropriate replacements which are weather protected and tightly fitted and secured to the opening.

B. Roofs. The roof and flashings shall be sound and tight, shall not admit moisture or have defects which might admit moisture, and allow for drainage to prevent dampness or deterioration in the interior of the building.

C. The building storm drainage system shall be functional and shall allow discharge in an appropriate manner.

D. Building Structure. The building shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of bearing imposed dead and live loads.

E. Foundation Walls. Foundation walls shall be maintained in a structural sound and sanitary conditions so as not to pose a threat to public health and safety. they 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.

F. Exterior Walls. Exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood and other surfaces shall be protected from the elements and against decay by periodic application of weather-coating materials, such as paint or of similar surface treatment.

G. Exterior Features. 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 decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

H. 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 decay or rust by periodic application of weather-coating materials such as paint or similar treatment.

I. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar structures shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and decay or rust by periodic application of weather-coating materials such as paint or similar treatment.

J. Walkways. Walkways shall be safe for pedestrian travel.

K. 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.

L. Premises. The premises upon which the structure or building is located shall be clean, safe and sanitary. free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

M. Insurance. Owners of vacant buildings shall be required to maintain liability insurance for as long as the building is vacant, and file evidence of such insurance with the Town Manager.

SECTION 7. PENALTY AND ENFORCEMENT. A violation of this ordinance shall be a civil matter that may be enforced in either the Vermont

Judicial Bureau or in the Orange County Superior Court, at the election of the Town Manager.

A. The Health Officer and/or Town Manager shall serve a written notice of violation on the property owner, property owner agent or person in control of the 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. The written notice shall state what violation exists, the measures required to correct or eliminate the violation(s), a compliance date for which such violation(s) shall be corrected, explanation of their appeal rights and penalties that will occur for non-compliance. Written violation notification may direct:

1. That the vacant building be repaired, secured or cleaned up so that it meets the standards of section 6
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 must be secured and/or repaired so that it meets the standards of this chapter.

B. Written violation notification must be delivered by United State Postal Service (USPS) Certified Mail Return Receipt Requested in conjunction with, but not required, email or hand delivery. If an order cannot be delivered by any of those means, the order shall be posted in a conspicuous place on the structure or on the property.

C. Where a person fails to remedy a violation to the satisfaction of the Health Officer, the Health Officer may contact the Town Manager to coordinate bringing appropriate action to enforce the provisions of this ordinance. Enforcement may be by any means allowed under state law, including, but not limited to:

(1) The Town Manager may choose to have the violation(s) enforced in the Judicial Bureau in accordance with the provisions of 24 V.S.A. secs. 1974a and 1977. A civil penalty of \$100 per violation may be imposed for violation of this ordinance. A municipal ticket will be issued 30 days after written notification of violation is mailed by the Health Officer, if the violation has not been corrected in accordance with this ordinance. Each day the violation continues shall constitute a separate violation of this ordinance. No ticket will be issued if the property owner has commenced correction of the violation and is making reasonable progress at the 30-day deadline.

(2) The Town Manager may choose to have the violation(s) enforced in the Orange County Superior Court. Such action will be initiated within 30 days after written notification of violation is mailed by the Health Officer if the violation has not been corrected in accordance with this ordinance. The Town of Williamstown may pursue all forms of injunctive relief. In addition, a civil penalty of \$100 per violation may be imposed for violation of this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance. No action will be initiated in Superior Court if the property owner has commenced correction of the violation and is making reasonable progress at the 30-day deadline.

D. An penalty violation 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. Once the violation is paid and corrected a discharge shall be recorded in the municipal land records.

SECTION 8. APPEALS OF HEALTH OFFICER ACTIONS.

A. Any owner or agent aggrieved by an order of the Health Officer may appeal within 15 days of said order to the Williamstown Select Board.

B. Appeals to the Williamstown Select Board shall be made by filing a written complaint with the Health Officer. The Health Officer shall notify the Board within 15 days to schedule a hearing.

C. The Board shall meet within 10 days of receiving the notice of appeal from the Health Officer. All hearings shall be public and the owner or agent shall be given an opportunity to be heard and to present evidence and arguments. Any owner or agent may appeal a decision of the Board by instituting relief in Superior Court.

SECTION 9. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Williamstown and all applicable laws of the State of Vermont.

SECTION 10. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, each finding shall not invalidate any other part of this ordinance.

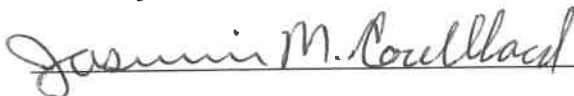
SECTION 11. EFFECTIVE DATE. This ordinance shall become effective 60 days after is adoption by the Town of Williamstown Select Board. If a petition is filed under 24 V.S.A. sec 1973, that statue shall govern the taking effect of this ordinance.

DATE 7/12/21

Williamstown Selectboard



Rodney Graham



Jasmin Couillard



Jessica Worn



Matt Rouleau



Clayton Woodworth