

TITLE 9 BUILDINGS

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TITLE 9; BUILDINGS

CHAPTER 1

Building Inspector - Repealed No. 177

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TITLE 9; BUILDINGS CHAPTER 3

Construction, Repair and Use of Buildings

Section

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§ 1021. Building and swimming pool permits, when required; plans and specifications

(a) Any person intending to erect or reconstruct dwellings, commercial or industrial buildings of any description within any portions of the city; and any person intending to make any substantial change to a commercial or industrial building; and any person intending to change a building used as a dwelling into a commercial, industrial or other usage building shall apply in writing for a permit to do so. A form for such application shall be specified and approved by the building inspector. Upon completion of the form by the applicant and approval being granted by the fire marshal, the commissioner of public works, the administrative officer and the chief of police, where such approval is necessary, the building inspector shall approve or deny such application. Each application shall include a cost estimate of such building exclusive of land, and such other information as the building inspector may require.

(b) Any person intending to construct swimming pools within the City of Rutland, shall apply in writing for a permit to do so, on forms to be specified and provided by the building inspector. Said application shall include provisions for adequate fencing at least 4 feet in height on and around perimeter of said swimming pool. Upon completion by the applicant and approval by the fire marshal, commissioner of public works, administrative officer and chief of police, where such approval is necessary, the building inspector shall have the authority to approve all properly executed applications.

(c) No person shall do any act for carrying such intentions into execution, until such permit of the building inspector has been obtained.

(d) The application shall be accompanied by suitable plans and specifications as determined by the building inspector.

(e) Any person owning an in-ground swimming pool or above-ground swimming pool with open access as of May 19, 1980, shall make application for a permit approving existing fencing if it meets the requirements of this section or to construct adequate fencing for the swimming pool in accordance with this section, to be in place May 19, 1981.

§ 1022. Expiration of permits

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

§ 1023. Fees

The board of aldermen shall, by regulation, set and adjust fees for permits under this chapter.

§ 1024. Codes and regulations applicable

(a) All buildings erected, reconstructed or materially changed shall be so erected, reconstructed or materially changed in accordance with the provisions of the fire protection and building code in effect at the time of such erection, reconstruction or material change, which code has been adopted by the State of Vermont pursuant to 21 V.S.A. Section 252 and 262. Such code shall be enforced pursuant to all applicable state statutes and city ordinances and shall be the code for the City of Rutland.

(b) Building permits for buildings located within the redevelopment area as established by the Rutland redevelopment authority additionally must obtain a ruling issued by the architectural review committee as established by the Rutland downtown redevelopment plan and as provided in Chapter 4 of this ordinance. Failure to obtain the required permit from the architectural review committee will prohibit issuance of the building permit.

§ 1025. Complaints of violations

Any person may, and the building inspector shall, make complaint to the grand juror whenever any building is being, or is about to be constructed, erected, reconstructed or materially changed in violation of the provisions of this chapter.

§ 1026. Construction immediately adjoining street or public ground

No person shall erect or cause to be constructed any building immediately adjoining any street or public ground in the city without first having ascertained the bounds and grades of such street or public ground by application to the city engineer.

§ 1027. Construction, renovation, improvements for barrier-free accessibility

(a) When the building inspector shall determine whether contemplated construction, renovation, or improvements of a public building necessitate access or use by handicapped individuals. If the building inspector makes such affirmative determination, he/she shall consult with the 504 and ADA commission on accessibility improvements in Rutland ("CAIR") established herein whereat the CAIR shall make affirmative findings pertaining to proposed construction, renovation, or improvements for the purpose of promoting a barrier-free environment and reporting back to the building inspector said findings. The building inspector shall include said findings with the building permit.

(b) CAIR referred to herein shall be the commission for accessibility improvements in Rutland and shall be appointed by the mayor and approved by the Board of Aldermen and shall be composed of a minimum of two members representing the Rutland area community and up to seven members at large whose term shall be two years. Meetings of said commission shall be convened as above.

(c) All construction, renovation or improvement must meet current Americans with Disabilities Act accessibility guidelines as codified in 28 CFR Part 36 (hereinafter ADA) as amended from time to time.

(d) Architectural barriers. Plans received for the construction of a public building must comply with the architectural barrier statute found at Title 21 V.S.A. Chapter 4 and with the rules and regulations as adopted pursuant to Title 3 V.S.A. Chapter 25. Passageways, corridors and other pedestrian walkways hereafter constructed or reconstructed to serve as a principal means of public access between buildings shall be also made barrier free in conformance with these standards.

§ 1028. Application to residential buildings

(a) New construction

Ten percent (10%) of all new residential units in residential subdivisions or residential rental, condominium or cooperative developments shall comply with the required accessibility standards in this ordinance. If a development contains four (4) to fourteen (14) units, one (1) unit must be accessible; if it contains fifteen (15) to twenty-four (24) units, two (2) units must be accessible. If the development contains three (3) or fewer units, it is exempt from this requirement.

In addition, all new residential construction contained rental apartments, condominiums or cooperatives shall have the principal outside entrance to common areas as well as common passageways and other common areas be accessible as required by this ordinance. If such developments contain less than three (3) stories, they shall be exempt from any requirements related to the installation of elevators.

(b) Altered residential construction

(1) Except as set forth in subsection (2) below, if existing residential rental, condominium or cooperative developments containing four (4) or more units are altered, ten percent (10%) of the units must comply with the accessibility standards in this ordinance. If the building or development contains four (4) to fourteen (14) units, one (1) unit must comply; if the building or development contains fifteen (15) to twenty-four (24) units, two (2) units must comply. In addition, one outside entrance to common areas and common areas and passageways in the building must be accessible as required by the ordinance; however, if the building or buildings is/are less than three (3) stories, the common areas and passageways above the first floor do not have to meet the standards of the ordinance.

(2) The following are exempt from the provisions of this section:

(i) Alterations of a building or unit which do not exceed in cost of 40 percent of the fair market value of the building or unit. For purposes of this section, "fair market value" means the appraisal value of the building or unit as determined for the purposes of property taxation. If the appraisal value of the building or the unit has not been determined by the assessors, "fair market value" means the estimated fair market value as that term is described in 32 V.S.A. Section 3481(1).

(ii) Alterations to an owner-occupied condominium, cooperative or single family dwelling unit, or to the owner-occupied portion of a public building.

(3) Passageways, corridors and other pedestrian walkways hereafter constructed are reconstructed on site to serve as means of public access to, into or between public buildings and facilities, whether exterior or interior shall also be made barrier-free in conformance with these standards.

§ 1029. Grievance Procedure

a. Any person complaining about access or discrimination must submit to the building inspector in writing a complaint for resolution. A record of the complaints and action taken shall be maintained by the building inspector. The building inspector shall render his/her decision within ten working days.

b. Any interested person not satisfied with the building inspector's decision shall bring appeal to the CAIR within seven working days. A notice of appeal must be made in writing, filed with the building inspector who shall forward said appeal along with any official records and decision to CAIR within three working days of receipt of the notice of appeal.

c. CAIR shall establish procedural rules and regulations for hearing complaints, requests, or suggestions from disabled persons regarding access to and participating in public facilities, services, activities, and functions in the City of Rutland. Further, CAIR shall hear such appeals in public, after adequate public notice. CAIR shall make a written decision within thirty days from the close of hearing and taking of evidence.

d. Any person aggrieved by a decision of CAIR shall have a right to appeal pursuant to Vermont State Law pursuant to VRCP 74.

§ 1030. Noncompliance with order of inspector; penalty

(a) If the owner or occupant of any building in the city shall refuse to allow the building inspector to examine his premises with reference to the condition or safety of the buildings as provided within the scope of this title or any other ordinance, such person or persons shall pay a civil penalty of not less than \$50 nor more than \$500 for each offense. Each day such offense continues shall be considered a separate offense for payment of penalty.

(b) If any person shall neglect or refuse to obey any written order or rule of the building inspector with respect to any matter or thing within the scope of this title or any other ordinance, such person shall pay a civil penalty of not less than \$50 nor more than \$500 for each offense. Each day upon which the offense continues shall be considered a separate offense for payment of penalty.

(c) Any person, firm or corporation found guilty of violation of this chapter shall pay a civil penalty not less than \$50 nor more than \$500 for each offense. Each day upon which the offense continues shall be considered a separate offense for payment of penalty.

TITLE 9; BUILDINGS

CHAPTER 4

Redevelopment Compliance Ordinance

Section

- 1050. Purpose
- 1051. Definitions
- 1052. Requirements
- 1053. Enforcement/penalties
- 1054. Variances

§ 1050. Purpose

The purpose of this ordinance is to incorporate provisions of the Rutland downtown redevelopment plan into the City of Rutland's building permit process; ensure compliance with terms of the plan through consolidation of the permit review process; and make the permit process more conducive to effective economic development.

§ 1051. Definitions

Redevelopment plan - the Rutland downtown redevelopment plan as approved by the voters on November 3, 1992, and inclusive of any subsequent amendments approved by the board of aldermen and Rutland redevelopment authority.

Redevelopment area - the area within the central district subject to the redevelopment plan.

Architectural and design guidelines - the architectural and design guidelines adopted in conjunction with the Rutland downtown redevelopment plan as approved by the voters on November 3, 1995, and inclusive of any subsequent amendments approved by the board of aldermen and Rutland redevelopment authority.

Architectural review committee - the committee charged with reviewing projects within the redevelopment area to ensure compliance with the architectural and design guidelines.

§ 1052. Requirements

a. All designs for facades, signs or landscaping must be reviewed and approved by the architectural review committee before a building permit may be issued by the building inspector.

b. All construction projects affecting building facades, signage or landscaping within the redevelopment area must comply with the requirements of the redevelopment plan before a building permit may be issued by the building inspector.

§ 1053. Enforcement/penalties

Penalties for non-compliance shall as in 9 ROR §1030 comply with the city's requirement to obtain a building permit.

§ 1054. Variances

Variances may be granted by the architectural review committee, or by delegation of the committee, by the building inspector, only in matters pertaining to provisions of the redevelopment plan and guidelines. The architectural review committee shall have no authority to grant variances for any other city ordinances or requirements.

TITLE 9; BUILDINGS

CHAPTER 5

Moving Buildings on Streets and Highways

Section

- 1121. Petition for permit--advertising
- 1122. --when advertising not required
- 1123. --when tree, post, wire or other obstruction is involved
- 1124. Permits; expiration thereof
- 1125. --Notice upon granting or refusal
- 1126. Expenses of city and bonds therefor
- 1127. --When cutting of wires or cables involved; expenses
- 1128. Warning notices and lights; penalties
- 1129. Property destruction; violation of permit, penalties

§ 1121. Petition for permit--Advertising

Whenever any person shall design to remove any building along, across or through any of the streets or public highways within the City of Rutland, he shall present his petition in writing to the board of aldermen for permission to make such removal, which petition shall describe the building, its dimensions, location, the place to which it is designed to be removed, and the streets along, across or through which it is to be moved. Every such petition shall be filed, and the costs of advertising the same shall be deposited with city clerk; and the last named officer shall cause notice of the pendency of said petition, and of the time when testimony concerning it will be heard and considered by the board of aldermen; to be publicly advertised for at least one week before action thereon by said board and the city clerk shall send written notices to the various wire using companies that may be concerned over the removal of buildings, as to the time and place of each hearing.

§ 1122. --When advertising not required

Insofar as they relate to the advertising of the petition, the provisions of this chapter shall not apply to buildings whose dimensions together with the conveyance upon which they are moved do not exceed 15 feet in length, 12 feet in width, and 15 feet in height.

§ 1123. --When tree, post, wire or other obstruction is involved

In case it shall be necessary in the moving of any building to cut down or trim up any tree, or move any post, wire, or other obstruction on the line of the street or highway along, across or through which said building is to be moved, that fact shall be set forth in the petition and notice aforesaid, and no tree shall be cut down, nor its branches cut off, and no post, wire or other obstruction shall be so moved, unless special permit shall have been given therefor as aforesaid.

§ 1124. Permits; expiration thereof

(a) No building shall be removed along, across or through any of the public streets or highways within said city without the written permit of the board of aldermen first had and obtained therefor, upon petition made as aforesaid, and such permit shall not be granted without first giving notice of the pendency of said petition as above provided, and the permit shall describe the streets through, along or across which, and the time within which, such buildings shall be moved.

(b) All permits granted pursuant to the terms of this chapter shall expire automatically six months from the date of issue.

§ 1125. --Notice upon granting or refusal

The city clerk shall, upon the granting or refusal by the board of aldermen of a permit applied for under this chapter, immediately notify the chief of police and the inspector of buildings thereof in writing.

§ 1126. Expenses of city and bonds therefor

The owner of every building removed as aforesaid shall pay to the city all damages, costs and expenses occasioned to the city by such removal, to be ascertained by the board of aldermen, and before removing such building the owner shall give bonds to the city treasurer in such sum as the board of aldermen shall prescribe, satisfactory to the board of aldermen, for the payment of all such damages, costs and expenses, so to be ascertained; and further conditioned to pay all damages, costs and expenses that may be caused to the property of, or that may be incurred by any person, firm or corporation in consequence of such removal.

§ 1127. --When cutting of wires or cables involved; expenses

Wherever the proposed moving of a building shall involve the necessity of cutting or removal of any wires, cables, or lines or other apparatus of a telegraph, telephone, electric or other wire using company, the board of aldermen shall give due notice to the owner of said wires, cables or lines, of the petition and hearing as required by this chapter. If such permit be granted, such necessary cutting or necessary removal shall be done by or under the direction of the owner of said cables, wires or lines within a 7 day period. The first \$25 of the expense of such cutting, removal or replacement of wires shall be borne by the wire using company, and all expense above that amount shall be borne by the person removing the building.

§ 1128. Warning notices and lights; penalties

Every person engaged in moving any building through any of the public highways of the city under authority granted under the provisions of this chapter, shall cause to be posted and maintained at proper distances in either direction from said building, suitable notices by day and suitable lights by night, to give warning that the street is impassable by reason of the moving of such building. Every person neglecting or refusing to so place and maintain such notices and lights, and every person wrongfully removing or interfering with such notices and lights, shall pay a civil penalty of not less than \$50 nor more than \$500 for each offense. Each day that the offense continues shall be considered a separate offense for imposition of penalty.

§ 1129. Property destruction; violation of permit; penalties

Every person who shall remove, or be employed in removing, any building along, across or through any of the streets or highways aforesaid, and every person who shall cut down any tree, or cut off any branch or branches of any tree, not his own, or who shall cut or remove any post or wire, without such permit from the board of aldermen, or in a manner not in compliance with the terms and conditions of such permit, shall pay a civil penalty of not less than \$50 or more than \$500. Each day that an offense shall occur will be considered for separate penalty hereunder.

TITLE 9; BUILDINGS

CHAPTER 7

Dangerous Buildings - Repealed No. 175

§ 1181. - 1194. Repealed No. 175

TITLE 9; BUILDINGS

CHAPTER 9

Plumbing

Section

1251. Enforcement of state regulations by Rutland board of health

§ 1251. Enforcement of state regulations by Rutland board of health

(a) The health officer shall make or cause to be made such inspections of private dwellings from time to time as necessary for the purpose of obtaining compliance with the plumbing regulations for private dwellings as promulgated by the Vermont Department of Health, and may, for such purpose, request the assistance of the building inspector. Each violation shall be reported promptly to the Rutland board of health which shall, without unreasonable delay, give written notice to the violator, informing him/her of the violation and the corrective action required, and calling attention to the penal provisions of 26 V.S.A. §2175 in the event of his/her failure to take the stated corrective action within a reasonable time; and such notice shall be signed by the health officer.

(b) The board of health may make such rules and regulations as they may consider necessary to implement the provisions of subsection (a) of this section; and shall refer to the city grand juror for prosecution all violators who fail, within a reasonable time after receipt of notice as provided in subsection (a), to take the corrective action stated in such notice.

TITLE 9; BUILDINGS

CHAPTER 11 Housing Standards

Section

- 1300. Notice and orders; notice to owner or to person or persons responsible (Amended 7/05/2011)
- 1301. Definitions
- 1302. Applied meaning of words and terms (Amended 7/1/2013)
- 1303. Placarding of structure
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- 1310. Exterior property areas (Amended 9/15/2008 by BOA)
- 1311. Exterior Structure
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- 1313. Light, ventilation and occupancy limitations
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§ 1300. Notices and orders; notice to owner or to person or persons responsible

Whenever the city determines that there has been a violation of this ordinance or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the city has condemned the property or part thereof, the city shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

(a) Form: Such notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued;
- (4) Include a correction order allowing a reasonable time for the repairs and

improvements required to bring the dwelling unit or structure into compliance with the provisions of this ordinance, and;

(5) Inform the owner and occupants of their right to be heard on the subject of such condemnation, provided that, with 10 days of the notice, they contact the Building Inspector to make such request to be heard.

(b) Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or such other owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building inspector and shall furnish to the building inspector a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 1301. Definitions.

(a) Unless otherwise expressly stated, the following terms shall have the meanings indicated in this ordinance. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(b) Where terms are not defined in this section and are defined in the building, plumbing or mechanical codes they shall have the same meanings ascribed to them in those codes.

(c) Where terms are not defined through the methods authorized with this section, they shall have their ordinarily accepted meanings such as the context implies.

(d) Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "story", or "structure" are used in this ordinance, they shall be construed as though they were followed by the words, "or any part thereof".

§ 1302. Applied meaning of words and terms:

(a) Basement: that portion of a building which is partly or completely below grade.

(b) Bathroom: a room containing plumbing fixtures including a bathtub or shower.

(c) Dwelling:

(1) Rooming house: a building arranged or used for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

(2) Multiple family dwelling: a building containing more than two dwelling units and not classified as a one- or two-family dwelling.

(3) Rooming unit: any room or group of rooms forming a single habitable unit used or intended to be used for sleeping and/or living, but not for cooking purposes.

(4) Dormitory: a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

(5) Hotel: any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(6) One-family dwelling: a building containing one dwelling unit with not more than five lodgers or boarders.

(7) Two-family dwelling: a building containing two dwelling units with not more than five lodgers or boarders per family.

(d) Dwelling unit: a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(e) Exterior property: the open space on the premises and on adjoining property under the control of owners or operators of such premises.

(f) Extermination: the control and elimination of insects, rats or other pests by eliminating their harborage places; but removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by an other approved pest elimination methods.

(g) Family: an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

(h) Garbage: the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(i) Habitable space: space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas not considered habitable spaces.

(j) Infestation: the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

(k) Let for occupancy or let: to permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

(l) Occupant: Any person living or sleeping in a building; or having possession of a space within a building. An occupant shall not include a child under the age of twenty-four (24) months for the purpose of section 1314.

(m) Openable area: A window or door which is available for unobstructed ventilation and opens directly to the outdoors.

(n) Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

(o) Owner: Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the state of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(p) Person: An individual, corporation, partnership or any other group acting as a unit.

(q) Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

(r) Plumbing fixture: A receptacle or devise which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water; or discharges used water, liquid-borne non-hazardous waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

(s) Premises: A lot, plot or parcel of land including the buildings or structures thereon.

(t) Public nuisance: Includes the following:

(1) The physical condition, or use of any premises regarded as a public nuisance at common law; or

(2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or

(3) Any premises which has unsanitary sewerage or plumbing facilities; or

(4) Any premises designated as unsafe for human habitation or use; or

(5) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure as to endanger life, limb or property; or

(6) Any premises from which the plumbing, heating and/or facilities required by this ordinance have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

(7) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;

(8) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

(u) Rubbish: Combustible and noncombustible water materials, except garbage, and the term, shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rages, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

(v) Structure: That which is built or constructed without limitation, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

(w) Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

(x) Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(y) Yard: An open space on the same lot with a building.

§ 1303. Placarding of structure.

After the condemnation notice required under the provisions of this ordinance has resulted in an order by virtue of failure to comply within the time given, the building inspector shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "Condemned as unfit for human occupancy or use", and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time to vacate.

(a) Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this ordinance.

(b) Removal of placard: The building inspector shall remove the condemnation placard when the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the building inspector shall be subject to the penalties provided by this ordinance.

§ 1304. Vacating structures.

When, in the opinion of the building inspector there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or use of defective or dangerous equipment, the building inspector is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by the building inspector." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the structure.

§ 1305. Temporary safeguards.

Notwithstanding other provisions of this ordinance whenever, in the opinion of the building inspector, there is actual and immediate danger of collapse or failure of a structure or other hazardous condition which would endanger life, the building inspector shall order the necessary work to be done including the boarding-up of accessible openings, to render such structure temporarily safe and shall cause such other action to be taken as the building inspector deems necessary to meet such emergency.

§ 1306. Emergency work.

For the purposes of this ordinance, the building inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

§ 1307. Costs of emergency work.

Costs incurred in the performance of emergency work shall be billed by the Treasurer to the owner of said property. If unpaid after 30 days, the City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

§ 1308. Violations.

(a) Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy or permit another person to use or occupy any structure or equipment regulated by this ordinance, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this ordinance, or to fail to obey a lawful order of the building inspector or to remove or deface a placard or notice posted under the provisions of this ordinance.

(b) Penalty: Any person, firm or corporation, who shall violate any provision of this ordinance shall pay a civil penalty of not less than \$50 nor more than \$500. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

§ 1309. General requirements.

The provisions of this ordinance shall govern the minimum conditions and standards for maintenance of structures and exterior property.

(a) Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use premises which do not comply with the requirements of this ordinance.

(b) Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 1310. Exterior property areas

(a) Sanitation: All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.

(b) Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Water retention areas and/or reservoirs.

(c) Sidewalk and driveways: All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions.

(d) Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided however, this term shall not include cultivated flowers and gardens.

(e) Rat harborage: All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(f) Exhaust vents: Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(g) Accessory structure: All accessory structures, including garages, fences and walls, shall be maintained structurally sound and in good repair.

(h) Motor vehicles (amended and approved by the BOA on 9/15/2008; effective 10/9/2008): Except as provided in other regulations, not more than one currently uninspected motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Exception: A vehicle of any type is permitted to undergo a major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

§ 1311. Exterior Structure.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(a) Street numbers: Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least three inches high.

(b) Structural members: All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

(c) Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(d) Exterior walls: All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(e) Roofs and drainage: The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a public nuisance.

(f) Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(g) Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(h) Chimneys and towers: All chimneys, towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(i) Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the treads. Guardrails shall be 42 inches high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

(j) Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather-tight. All glazing materials shall be maintained free of cracks and holes.

(1) Openable windows: Every window other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(2) Insect screens: During the period from May 1 to October 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, shall be supplied with approved tightly fitting screens.

(k) Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

(l) Basement hatchways: Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

(m) Guards for basement windows: Every basement window which is openable shall be supplied with rat-proof shields, storm windows or other approved protection against the entry of rats.

§ 1312. Interior Structure

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition.

(a) Structural members: The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

(b) Interior surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(c) Accumulation of rubbish or garbage: The interior of every structure shall be free from any accumulation of rubbish, or garbage.

(d) Insect and rat harborage: All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(e) Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

(f) Handrails and guardrails: Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches above the floor grade below shall have guardrails. Handrails shall not be less than 30 inches nor more than 42 inches high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be 42 inches high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

§ 1313. Light, ventilation and occupancy limitations

The provisions of this ordinance shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. The owner of the structure shall provide and maintain light, ventilation, and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy or use any premises that do not comply with the requirements of this ordinance. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation shall be permitted when complying with the building code.

(a) Light

(1) Habitable spaces: Every habitable space shall have a least one window of approved size facing directly to the outdoors or to a court. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) Common halls and stairways: Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of one foot candle at floors, landings and treads.

(3) Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

(b) Ventilation

(1) Habitable spaces: Every habitable space shall have a least one openable window.

(2) Bathrooms and toilet rooms: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by this ordinance, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following: Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.

(3) Cooking facilities: Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. Exception: Where specifically approved in writing by the building inspector.

(4) Clothes dryer exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

§ 1314. Occupancy Limitations

(a) Access from sleeping rooms: Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces. Exception: Dwelling units that contain fewer than two bedrooms.

(b) Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor for each occupant thereof.

(c) Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

(d) Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table A for minimum occupancy.

TABLE A
MINIMUM OCCUPANCY AREA REQUIREMENTS

Space

Minimum occupancy area in square feet

	1-2 Occupants	3-5 Occupants	6 or more
Living room	No requirements	120	150
Dining room	No requirements	80	100
Kitchen	50	60	

(e) Combined spaces: Combined living room and dining rooms spaces shall comply with the requirements of Table A for minimum occupancy if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(f) Prohibited use: Kitchens, nonhabitable spaces and interior public areas shall not be used for sleeping purposes.

(g) Minimum ceiling heights: Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than seven feet four inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms, and kitchens shall have a clear ceiling height of not less than seven feet. Exceptions:

(1) Beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height, provided the minimum clear height is not less than six feet eight inches.

(2) Dropped or furred ceilings over no more than one-half of the minimum floor area required by this ordinance provided no part of such dropped or furred ceiling is less than seven feet in height.

(3) Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet or more shall be included.

(4) Basement rooms in one and two-family dwellings used exclusively for laundry, study, or recreation purposes having a ceiling height of not less than six feet eight inches with not less than six feet four inches of clear height under beams, girders, ducts, and similar obstructions

(h) Minimum room widths: A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counterfronts and appliances or counterfronts and walls.

§ 1315. Plumbing facilities and fixture requirements.

The provisions of this ordinance shall govern the minimum plumbing facilities and plumbing fixtures to be provided. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use any structure or portion thereof or premises with does not comply with the requirements of this ordinance.

(a) Required facilities.

(1) Dwelling units: Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in proximity to the door leading into the room in which such water closet is located.

(2) Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(b) Toilet Rooms.

(1) Privacy: Toilet rooms and bathrooms shall provide privacy and shall not be used as the only passageway to a hall or other space, or to the exterior.

(2) Every sink, lavatory, bathtub or shower, water closet or other plumbing fixture shall be properly connected to a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

(3) Supply: The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free of defects and leaks.

(4) Water heating facilities: Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(c) Sanitary Drainage System.

(1) All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(2) Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

§ 1316. Storm drainage.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Such drainage shall not be connected directly into the City sanitary sewer system.

§ 1317. Mechanical and electrical requirements.

The provisions of this ordinance shall govern the minimum mechanical and electrical facilities and equipment to be provided. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. a person shall not occupy as owner-occupant or permit another person to occupy or use any premises which does not comply with the requirements of this ordinance.

(a) Heating facilities.

(1) Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. when the outside temperature is 15 degrees below zero, at a level of three feet above the floor and a distance of three feet from the exterior walls in all habitable rooms, bathrooms and toilet rooms. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guest rooms on terms, either express or implies, to furnish heat to the occupants thereof shall supply sufficient heat to maintain a room temperature of not less than 65 degrees F. in all habitable rooms, bathrooms and toilet rooms whenever the outside temperature is less than 55 degrees F. regardless of the time of year.

(2) Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions.

(3) Mechanical equipment: All mechanical equipment shall be properly installed and maintained in safe working condition, and capable of performing the intended function.

(4) Flue: All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

(5) Clearances: All required clearances to combustible materials shall be maintained.

(6) Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

(7) Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

(8) Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel appliance, to the fuel supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.

(9) Fireplaces: Fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition.

§ 1318. Electrical Facilities

(a) Facilities required: Every building used for human occupancy shall be provided with an electrical system in compliance with state electrical codes.

(b) Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle.

(c) Lighting fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

(d) Service: The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with National Electrical Code. Every dwelling unit shall be served by a main service which is not less than 60 ampere, three wire.

(e) Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(f) Electrical system hazards: Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the building inspector shall require the defects to be corrected to eliminate the hazard.

§ 1319. Fire Safety Requirements

The provisions of this ordinance shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the B.O.C.A. fire prevention code. Persons shall not occupy as owner-occupant or permit another person to use any premises that do not comply with the requirements of this ordinance.

(a) Means of egress: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

(b) Locked doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, rooming units, guest rooms, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(c) Emergency escape: Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. Exception: Buildings equipped throughout with a complete automatic fire suppression system.

§ 1320. Accumulations and storage.

(a) Accumulations: Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(b) Hazardous material: Combustibles, flammable, explosive or other hazardous material, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

§ 1321. Fire resistance ratings.

The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained. All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the property operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

§ 1322. Fire protection systems.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in proper operating condition at all times.

(a) Fire suppression system: Fire suppression systems shall be maintained in good condition and free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion, paint, and damage.

(b) Fire extinguisher: All portable fire extinguishers shall be visible, accessible, and shall be maintained in an efficient and safe operating condition.

(c) Smoke detectors: All residential occupancies shall be provided with a minimum of one approved single-station smoke detector in the sleeping area, guest room or suite of a hotel, motel, lodging house or boarding house. Single family dwelling unit with minimum of one smoke detector per floor interconnected or the detectors shall be located in accordance with the Building Inspector. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

(d) Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this ordinance.

§ 1323. Responsibilities of persons.

The provisions of this ordinance shall govern the responsibilities of persons for the maintenance of structures equipment and exterior property.

(a) Sanitary condition.

(1) Cleanliness: Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, control, or uses in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public area of the structure and exterior property.

(2) Disposal of rubbish and garbage: Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish in approved containers.

(3) Garbage facilities: The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, or an approved leakproof covered outside garbage container.

(4) Containers: The operator of every establishment producing garbage shall provide, and at all times cause to be used, leakproof approved containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

(5) Rubbish storage facilities: The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(b) Extermination.

(1) Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(2) Occupant: The occupant of any structure shall be responsible for the continued ratproof condition of the structure, and if the occupant fails to maintain the ratproof conditions, the cost of extermination shall be the responsibility of the occupant.

(3) Single occupancy: The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for the extermination of any insects rats or other pests on the premises.

(4) Multiple occupancy: The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, a nonresidential structure shall be responsible for the extermination of any insects, rates or other pests in the public or shared areas of the structure and exterior property. When infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

CHAPTER 13 **[Reserved for future use]**

Title 9; Buildings

CHAPTER 14, **Certificate of Occupancy -- Enforcement**

Section

- 1330. Definitions
- 1331. Application for certificate of occupancy; issuance
- 1332. Compliance with city law
- 1333. Building inspector; duties
- 1334. Certificate required before inhabiting dwelling
- 1335. Penalties

§ 1330. Definitions

For the purpose of this chapter, the terms, phrases, words and their derivations shall have the meaning set forth in Title 9 of the Revised Ordinances of Rutland.

A business day shall be any day except Saturday, Sunday or legal holidays, between the hours of 8 a.m. and 5 p.m.

§ 1331. Application for certificate of occupancy; issuance

Written application for a certificate of occupancy shall be required before any family and/or persons transfer ownership or move into a dwelling or dwelling unit located wholly or partially in the City of Rutland. Said application shall be made to the building inspector of the City of Rutland. Such certificate shall be issued to the owner, employee or agent of an owner, or a lessor, provided all the requirements as hereinafter set forth have been met.

§ 1332. Compliance with city law

Before the building inspector or his delegated representative shall grant said certificate, it shall be determined that the dwelling or dwelling unit is in compliance with all local laws, rules and regulations pertaining to housing standards, zoning ordinances and building codes.

§ 1333. Building inspector; duties

(a) The building inspector shall be the enforcement officer under the provisions of this chapter, and shall have the right at reasonable times, to enter any dwelling or dwelling unit in the city for the purpose of determining whether the dwelling or dwelling unit is entitled to a certificate.

(b) If within three business days after receipt of said application, the building inspector finds that the dwelling or dwelling unit does not meet the requirements as herein before set forth, and within such times files in the office of the Rutland city clerk a written notice to such effect and delivers or mails a copy thereof to the applicant and to the owner of the premises, the building inspector shall not issue such certificate until the improvements or repairs are made. The notice shall set forth specifically the reason or reasons why the certificate is denied.

(c) Any person aggrieved by a decision of the building inspector shall have a right to appeal pursuant to Vermont State Law.

§ 1334. Certificate required before inhabiting dwelling

No owner, or an employee or agent of an owner, or a lessor, shall live or permit any person to live in a dwelling or a dwelling unit until a certificate of occupancy has been issued, if an application therefor has been denied within the time and in the manner herein provided.

In the event the premises are not inspected and the application denied within the time, and in the manner herein provided, the building inspector shall thereafter promptly make the inspection herein provided, and give the aforesaid notice to the owner of said premises, who shall make such repairs or improvements as soon as reasonably possible, and notify the building inspector upon the completion thereof.

§ 1335. Penalties

(a) Any owner of a dwelling or dwelling unit, lessor or other person, who violates any of the provisions of this chapter shall pay a civil penalty of not less than \$100 nor more than \$500 for each offense.itle 9; Buildings

CHAPTER 15

Certificate of Compliance Upon Sale - Repealed No. 177

§ 1341. - 1349. Repealed No. 177

NEW CHAPTER 16—Vacant Buildings (Takes Effect September 3, 2013)

§ 1350. Authority

The Board of Aldermen 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)(15) and the Revised Charter of the City of Rutland Vermont.

§1351. Statement of Findings

1. Buildings that are in such a state of disrepair as to be public nuisances are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, have an adverse impact upon adjacent and nearby properties, and are a threat to public health, welfare, and safety.

2. Once a building becomes a public nuisance, the opportunity for rehabilitation is often passed; at that point, the cost of remediation can outweigh the value of the building.

3. Vacant buildings are particularly susceptible to falling into a state of disrepair and to becoming public nuisances.

4. It is in the best interests of the City and its taxpayers to encourage owners to maintain their vacant buildings and to rehabilitate their deteriorating, vacant buildings before those buildings become public nuisances, and to assess financial deterrents to the owners in the event that they fail to do so.

5. It is in the best interest of the City and its taxpayers that a comprehensive catalog of vacant residential, commercial, and industrial buildings in the City be established and maintained, identifying the name and contact information of each vacant building's current owner(s) (and, if necessary, a local agent), so that in the event that a vacant building falls into disrepair, city officials may readily contact a person responsible for the building, and encourage preemptive and curative steps be taken to prevent the building's further deterioration.

§1352. Purpose

The purpose of this ordinance is to create and maintain a catalog of vacant buildings within the City by requiring registration of these buildings by the vacant building owner, to document and define the responsibilities of vacant building owners, to abate the public nuisance caused by vacant buildings in a state of disrepair, and to bring vacant buildings back into productive use consistent with the authority vested in the City.

§1353. Scope of ordinance

The ordinance shall apply to any vacant building within the City of Rutland.

§1354. Designation of Effect

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

§1355. Severability

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.

§1356. Definitions

a) **Blighted Structure:** A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

b) **Building Inspector:** means the Building and Zoning Department staff position assigned to administer City housing standards and ordinances or their designee.

c) **City Codes:** means all of the codes, certifications, standards, requirements, and ordinances promulgated by the City of Rutland, as applicable to a given vacant building, including without limitation: Rutland City Housing Standards, building codes, health codes, fire codes, water codes, sewer codes, and/or zoning permits.

d) Public Nuisance: For the purposes of this ordinance, “public nuisance” means any one of the following:

- i. Any building qualifying as a public nuisance, or an attractive nuisance, at common law;
- ii. Any building that has unsanitary sewerage or plumbing facilities, or from which the plumbing, electrical, or heating systems have been removed or rendered permanently damaged;
- iii. Any building that is in such a state of dilapidation, deterioration, decay, or damage as to adversely affect the character of the surrounding area; or which negatively affects the value of adjacent and nearby properties; or which constitutes a fire hazard; or is in danger of collapse or catastrophic failure; or is otherwise unsafe to persons or property; and,
- iv. Any Blighted Structure.

e) Vacant Building: means, generally:

- i. For single family residential buildings, any building that is not legally used as a residence by a person for a period of at least 90 consecutive days.
- ii. For two family and multifamily residential buildings, any building in which none of the units are legally used as a residence by a person for a period of at least 90 consecutive days.
- iii. For commercial and industrial buildings, any building in which no employees are arriving on a regular basis and no work is being performed for a period of at least 90 consecutive days and where the building is not being utilized for its intended purpose.
- iv. Any building that would qualify under one of the above three definitions but for sporadic occupancy or use, in bad faith, for the principal purpose of avoiding classification of vacancy under this ordinance.

Notwithstanding the foregoing, the Building Inspector shall use his/her best judgment to determine, on a case by case basis, whether a building is or should be deemed vacant for the purposes of this ordinance.

f) Housing Board of Review: means the City body formed pursuant to 24 V.S.A. Chapter 123.

g) Vacant Building Owner: means the property owner of the vacant building and the first mortgagee of record, who jointly or severally, may be held responsible for the vacant building under this ordinance.

h) Vacant Building Owner Responsibilities: refers to the responsibilities of a vacant building owner. In order to meet his or her vacant building owner responsibilities, a vacant building owner shall:

- i. Register a vacant building in accordance with this ordinance.
- ii. Take steps reasonably necessary to prevent the vacant building from becoming a public nuisance, including without limitation:
 - A. Keeping the vacant building secured;
 - B. Ensuring that the vacant building complies with City Codes;
 - C. Preventing the building’s exterior condition from deteriorating and maintaining the general aesthetic appearance of the building when viewed from the street and/or from adjacent properties;
 - D. Providing regular maintenance and repair, including regular mowing and upkeep of vegetation, and preventing accumulation of excessive trash or debris;
 - E. Taking all reasonable steps during winter months to ensure that the vacant building is not damaged by freezing weather, including by ruptured water pipes, ice dams, etc.

§1357. Registration

a) Any vacant building owner shall register a vacant building with the building inspector within 90 days of the effective date of this ordinance, or of the building becoming vacant, whichever later occurs.

b) Registration shall be submitted on a properly completed registration form adopted by the Building Inspector. Among other information, the registration form shall:

i. Identify the name, mailing address, and phone number of the vacant building owner;

ii. If the vacant building owner does not reside within the State of Vermont, the registration shall appoint and identify the name, address, and phone number of a local agent who is responsible for the vacant building and who can gain ready access to the building in the event of an emergency or inspection;

- iii. Include a certification by the vacant building owner that he or she is currently in compliance with all vacant building owner responsibilities with respect to the subject building; and,
 - iv. Grant a temporary right of entry to the Building Inspector onto the premises for the purpose of conducting inspections of the vacant building in accordance with this ordinance.
- c) It shall be the vacant building owner's responsibility to inform the Building Inspector of any changes in the identity, mailing address, or phone number of the vacant building owner.
 - d). In the event that the occupancy or use of a vacant building changes such that the building is no longer vacant under this ordinance, the vacant building owner shall certify to said change on a form adopted by the Building Inspector, upon the receipt of which the Building Inspector shall cause the subject building to be removed from the vacant building registry, at which time the provisions of this ordinance no longer will apply to said building.

§1358. Inspection

- a) As soon as practicable after initial registration, or upon determination that a building is vacant, the Building Inspector shall make an inspection of the exterior of the vacant building to determine if the building then constitutes, or is in danger of becoming, a public nuisance.
- b) From time to time, the Building Inspector shall make additional exterior inspections of all vacant properties to ensure that;
 - i. Such building does not then constitute, nor is in danger of becoming, a public nuisance; and,
 - ii. The vacant building owner is in compliance with the vacant building owner responsibilities.
- c) The Building Inspector shall notify the vacant building owner that such inspection shall occur on a date and time certain not sooner than seven (7) days nor later than fourteen (14) days from the date of the notice.
- d) A notice sent via certified mail to the vacant building owner at the address listed on the vacant building registry or the most recent City tax bill shall be deemed received by the vacant building owner.
- e) It is encouraged that the vacant building owner be available at the time of inspection.
- f) After every inspection of a vacant building, the Building Inspector shall complete an inspection report. The inspection report shall, among other things:
 - i. Describe the general condition of the inspected portions of the building;
 - ii. Articulate the Building Inspector's conclusions as to whether the vacant building then constitutes, or is in danger of becoming, a public nuisance, as well as to whether the vacant building owner is in compliance with the vacant building owner responsibilities;
 - iii. Set forth any conditions or required abatement measures that must be taken to prevent the building from becoming a public nuisance; and,
 - iv. Attach photographs of the building taken during the inspection depicting principal areas of concern.
- g) A copy of every inspection report shall be forwarded to the vacant building owner at the address set forth on the registry or the most recent City tax bill.

§1359. Remediation

- a) If the Building Inspector determines that the vacant building constitutes, or is in danger of becoming a public nuisance, that conclusion shall be articulated in the inspection report sent to the vacant building owner.
- b) In the event that the vacant building receives an inspection report requiring remediation, the vacant building owner shall, within thirty (30) days, either:
 - i. Complete the required remediation, or
 - ii. Submit a remediation plan. Any remediation plan shall, at a minimum:
 - A. Propose a plan for complying with the conditions and requirements set forth in the inspection report; and,

B. Propose a schedule by which each condition or deficiency set forth in the inspection report shall be addressed or redressed.

c) If a remediation plan is submitted under b) ii of this section:

i. The Building Inspector shall advise the vacant building owner if the proposed remediation plan is approved or rejected as soon as practicable.

ii. If the Building Inspector rejects the proposed remediation plan as inadequate to fully address the deficiencies noted in the inspection report, the Building Inspector will work with vacant building owner to revise the remediation plan. If the vacant building owner fails or refuses to implement changes required by the Building Inspector, the Building Inspector shall commence enforcement action in accordance with §1361 of this ordinance.

iii. The Building Inspector shall make regular visits to the building to ensure that the remediation is progressing in accordance with the remediation plan, and if such progress is not being made, the Building Inspector may commence enforcement action in accordance with §1361 of this ordinance.

d) Upon the Building Inspector's satisfaction that each condition or deficiency has been remedied a certificate of remediation will be issued and placed in the file.

§1360. Administration

a) The Building Inspector, in addition to all powers granted in the Revised Charter and Ordinances of the City of Rutland Vermont, is hereby authorized and directed to administer and enforce the provisions of this Ordinance and, except where expressly provided, shall not waive any requirements of this Ordinance.

b) The Building Inspector shall carry proper identification when inspecting buildings in the performance of his/her duties.

c) The Building Inspector shall have all powers reasonably necessary to carry out the provisions of this ordinance, including, but not limited to:

i. Registering vacant buildings;

ii. Inspecting registered buildings for compliance with this Ordinance; and,

iii. Issuing municipal tickets for violations of this Ordinance pursuant to §1361 and 24 V.S.A. Chapter 59.

d) The Building Inspector shall keep official records of:

i. The vacant building registry for the City;

ii. Inspection reports and related correspondences, photographs, and notices; and,

iii. Any records, complaints, correspondences or other documents, and orders associated with the enforcement of this Ordinance.

e) The Building Inspector is responsible for recording all registrations, notices of violation, and certificates of remediation in the municipal land records of the City Clerk.

§1361. Enforcement

a) In the event of a violation of this Ordinance, the Building Inspector may commence enforcement proceedings by serving a notice of violation upon the vacant building owner. Such notice shall direct compliance with this ordinance and/or the discontinuance, remediation, and/or abatement of the violation. The notice of violation shall attach a copy of any inspection reports from which the violations arise.

b) If the vacant building owner fails to comply or to remedy the violation, as appropriate, within thirty (30) days of the issuance of the notice of violation, the Building Inspector shall enforce the terms of this Ordinance by any appropriate action allowed under state law including, but not limited to:

i. Issuance of a Municipal Complaint and enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59, provided that:

A. A civil penalty of not more than one hundred dollars (\$100), with a waiver fee of fifty dollars (\$50), may be imposed for a violation of this ordinance.

B. A civil penalty of not more than five hundred dollars (\$500), with a waiver fee of two hundred fifty dollars (\$250), may be imposed for a violation of this ordinance by a vacant building owner who:

1. Fails to complete required remediation or submit a remediation plan within sixty (60) days after the inspection report is issued pursuant to §1361 hereof;

2. Acts in bad faith with an apparent intent to undermine the purposes of this ordinance; or
 3. Within the past two (2) years has been the subject of a prior enforcement action under this ordinance.
- C. Each day a violation continues under subsections (a) or (b) shall constitute a separate violation.
- ii. Commencement of an action in Superior Court seeking any remedies at law or equity, including injunctive relief, or other penalties as prescribed by law.
 - iii. In any action brought to enforce the provisions of this ordinance, the City shall be entitled to reimbursement of costs and reasonable attorneys' fees.

§1362. Appeals of Building Inspector Actions

Any vacant building owner aggrieved by an act or decision of the Building Inspector may appeal as applicable under law.

§1363. Vacant Building Remediation Fund

- a) A Vacant Building Remediation Fund is hereby created to further the objectives of this ordinance.
- b) All fines or penalties collected in connection with administering or enforcing the provisions of this ordinance shall be deposited into this fund.

TITLE 10 SIGNS

CHAPTER 1

Sign Ordinance (Amended 1/9/2014)

Section

1401. Purpose
1402. Definitions
1403. Permit required
1404. Requirements/standards
1405. Size, number and standards for on-premise free-standing signs
1406. Size, number and standards of signs attached to buildings
1407. Shopping plaza signs
1408. Temporary or interim signs
1409. Rutland downtown redevelopment area (Amended 7/05/2011)
1410. Fee
1411. Exemptions