

Dangerous Building Ordinance

Town of Bradford, Vermont

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Bradford under the authority granted in 24 V.S.A. §§ 2291 (13), (14) and (15) and V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from dangerous buildings and structures in the Town of Bradford.

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

A. **Dangerous Building.** Any building or structure or part thereof that is hazardous to the health or safety of the occupants or public or likely to endanger other buildings or property. Such hazardous conditions may be due to natural or man-made disasters, fire, or lack of proper maintenance, repair, or sanitation.

B. **Building Safety Officer.** The officer appointed by the Bradford Selectboard to enforce this ordinance. In the event that the Building Safety Officer is unavailable, or has a conflict of interest, the Selectboard shall perform the functions of the Building Safety Officer.

SECTION 4. ABATEMENT OF DANGEROUS BUILDINGS.

A. Building Safety Inspection. Upon receiving information that any building or structure in the Town of Bradford may be considered a dangerous building, the Building Safety Officer shall cause the building or structure to be inspected.

1. Written notice of intent to conduct an inspection shall be given to the owner of the building or structure at least seventy-two (72) hours prior to the inspection. A copy of this ordinance shall be attached to the notice.
2. If the Building Safety Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the occupants or public, no notification shall be necessary prior to inspection.
3. If the owner of the building or structure fails or refuses to consent to the inspection, the Building Safety Officer shall obtain a search warrant from the Vermont District Court for the purpose of conducting the inspection.
4. The Building Safety Officer may retain such a law enforcement officers, fire officials, engineers and other qualified personnel as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

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B. Building Safety Order. If, upon inspection, the Building Safety Officer determines that a building or structure is a Dangerous Building, the Building Safety Officer shall issue a Building Safety Order. The Building Safety Order shall:

1. Identify the hazardous conditions that cause the building or structure to be a Dangerous Building.
2. Identify the actions that must be taken by the owner to secure the Dangerous Building and abate the hazardous conditions identified in the order, including, where appropriate, removal of the Dangerous Building.
3. Set a date by which the actions to secure the Dangerous Building and abate the hazardous conditions must be completed. This date shall not be less than fifteen (15) days nor more than sixty (60) days from the date of service of the order. In extraordinary circumstances, the completion deadline may be set beyond sixty (60) days at the discretion of the Building Safety Officer.
4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.

The Building Safety Order shall be served upon the owner of the Dangerous Building by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be mailed to the Town of Bradford Selectboard

C. Appeal.

1. A person or entity aggrieved by a Building Safety Order may appeal such Order to the Town of Bradford Selectboard within fifteen (15) days of the service of the Order. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.
2. Within thirty (30) days of service of the notice of appeal, the Selectboard shall hold a hearing on the appeal. The Selectboard shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Building Safety Order and may contain such additional requirements as the Selectboard deems necessary and appropriate to implement the purpose of this ordinance.

D. Penalty and Enforcement.

1. If the owner fails to comply with a Building Safety Order, the owner shall be considered to be in violation of the order and this ordinance. The violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Orange County Superior Court at election of the Building Safety Officer.

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2. A civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
3. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Building Safety Officer shall be the designated enforcement officer. The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing
4. Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Bradford may pursue all appropriate injunctive relief

SECTION 5. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Bradford and all applicable laws of the State of Vermont.

SECTION 6. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective sixty (60) days after its adoption by the Bradford Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the date upon which this ordinance becomes effective.

April 14, 2011

/s/ Robert D. Miller, Chair

/s/ Thomas E. Unkles, Vice Chair

/s/ Richard Bolander

/s/ Carole P. Taylor

/s/ Brian Schlager