

DRAFT ONLY

27

DANGEROUS BUILDING AND GROUNDS ORDINANCE
TOWN OF WINDHAM VERMONT

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

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, for the lack of proper maintenance, repair, or sanitation, is hazardous to the health or safety of the public or likely to endanger other buildings or property.

B. Building Safety Officer. The officer appointed by the Town of Windham Selectboard to enforce this ordinance. The Building Safety officer may hold any other office in the Town of Windham. Nothing in this ordinance shall prevent the Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. In the event the Building Safety Officer is unavailable, or has a conflict of interest, the Town of Windham Health Officer shall perform the functions of the Building Safety Officer. (most likely the SB would appoint the Zoning Administrator for this position.)

C. Dangerous Grounds. Any property other than buildings or structures that is hazardous to the health or safety of the public.

SECTION 4. ABATEMENT OF DANGEROUS BUILDINGS.

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

1. Written notice of intent to conduct an inspection shall be given to the owner of the building, structure or grounds at least seventy-two (72) hours prior to the inspection. Notice shall be by in-hand delivery, or certified mail, return receipt requested. 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 public, no notification shall be necessary prior to inspection.

3. If the owner of a building, structure or grounds fails or refuses to consent to the inspection, and when no emergency situation is deemed to exist, the Building Safety Officer shall first obtain a search warrant from the Vermont District Court for the purpose of conducting the inspection. Upon receipt of a search warrant for the purpose of determining whether a building is dangerous, the Building Safety Officer shall present the search warrant to the owner or occupant of the building at the time of inspection.

4. The Building Safety Officer may retain such law enforcement officers, fire officials, and engineers and other qualified experts as necessary to assist with a building safety inspection and the preparation of

VLCT Selectboard Rules of Procedure

ADOPTED:

Mary F. Royal
M. P. Spaulding
Peter [Signature]
Signatures

3/17/14
3/17/14
3/17/14
Date

WINDHAM, VERMONT TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 13th DAY OF April AD 20 16
AT 2 O'CLOCK 30 MINUTES P M AND
RECORDED IN WINDHAM LAND RECORDS
BOOK 15 PAGE 1-2
ATTEST: Ellen A. McPuffie, Assistant
TOWN CLERK

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