

DANGEROUS BUILDING AND GROUNDS ORDINANCE  
TOWN OF CANAAN, VERMONT

SECTION 1. AUTHORITY. This ordinance is adopted by the Select Board of the ~~the~~ Town of Canaan (hereinafter "Town") under the 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. This includes any property within the Town that is in a state of disrepair and deterioration, vacant buildings, unsafe structures, and potentially dangerous land conditions, which are deemed to be public nuisances because their existence contributes to the decrease in value of surrounding properties, precipitates disinvestment by neighboring owners, provides a location for criminal activity, undermines the aesthetic character of the Town and its neighborhoods and environs, and has other undesirable effects. Allowing these public nuisances to remain unabated is detrimental to the public health, safety and welfare, unreasonably interferes with the reasonable and lawful use and enjoyment of other neighboring or adjacent properties, and poses a potential danger to first responders.

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

A. Building Safety Officer. The officer appointed by the Select Board to enforce this ordinance. The Building Safety Officer may hold any other office in the Town. In the event the Building Safety Officer is unavailable, or has a conflict of interest, the Local Health Officer for the Town shall perform the functions of the Building Safety Officer.

B. Dangerous Building. Any building, 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.

C. Dangerous Grounds. Any property other than buildings or structures that is hazardous to the health or safety of the public along with any premise that is unsanitary, or that is littered with rubbish or garbage.

SECTION 4. ABATEMENT OF DANGEROUS BUILDINGS.

A. Building Safety Inspection. Upon receiving information that any building, structure, or grounds in the Town 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 one hundred twenty (120) 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 public, no notification shall be necessary prior to the inspection.

3. If the owner of a building, structure, or grounds 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 seek the assistance of law enforcement officers, fire officials, engineers, and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

B. Building Safety Order. If, upon inspection, the Building Safety Officer determines that a building, structure, or grounds is dangerous, the Building Safety Officer shall issue a Building Safety Order. The Building Safety Order shall be served upon the owner of the dangerous building, structure, or grounds by certified mail, return receipt requested, and by first class mail. A copy of the order shall be mailed to the Select Board. -The Building Safety Order shall:

1. Identify the hazardous conditions that cause the building, structure, or grounds to be dangerous.

2. Identify the actions that must be taken by the owner to secure the dangerous building, structure, or ~~grounds and~~ ~~abate the~~ hazardous conditions identified in the order, including where appropriate, removal of the dangerous building, structure, or grounds.

3. Set a date by which the actions to secure the dangerous building, structure, or grounds and abate the hazardous conditions must be completed by the owner, which shall not be less than fifteen (15) workdays from the date of the service of the order.

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.

C. Appeal of Building Safety Order.

1. A person aggrieved by a Building Safety Order may appeal such order to the Select Board within fifteen (15) workdays of service of the order. The notice of an appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.

2. Within thirty (30) workdays of service of the notice of appeal, the Select Board shall hold a hearing on the appeal. The Select Board shall issue a written decision within

fifteen (15) workdays of the close of the hearing. The decision may reverse or sustain the Building Safety Order and may contain such additional requirements as the Select Board deems necessary and appropriate to implement the purpose of this ordinance.

#### SECTION 5. VIOLATIONS AND PENALTIES.

- A. The failure by an owner to comply with a Building Safety Order is a violation of this ordinance and shall be deemed a public nuisance.
- B. A civil penalty of not more than \$800.00 per violation may be imposed for a violation of this ordinance. Each day that a violation continues shall constitute a separate violation of this ordinance.
- C. The Building Safety Officer is authorized to recover a waiver fee of \$50.00, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the waiver fee.

#### SECTION 6. ENFORCEMENT.

- A. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Essex County Superior Court, at the election of the Select Board.
- B. 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 have authority to issue tickets and represent the Town at any hearing.
- C. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief and civil remedies.

SECTION 7 OTHER LAWS. This ordinance is in addition to all other ordinances of the Town and all applicable laws in the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. 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 9. -EFFECTIVE DATE. This- ordinance -shall -become -effective- sixty -(60)- days- after- its- adoption -by the Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking affect date of this ordinance.

Gregory D. Noyes  
Gregory Noyes Select Board Chairman

July 1, 2019  
Date

Haven Haynes Jr.  
Haven Haynes Jr.

Frank Sawicki Jr.  
Frank Sawicki Jr.

Adoption History

Agenda item at regular Select Board meeting held on June 3, 2019.

Read and approved at regular Select Board meeting on June 18, 2019 and entered in the minutes of that meeting which were approved on July 1, 2019.

Posted in public places \_\_\_\_\_.

Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.

Other actions [petitions, ect.].