

ORDINANCE REGULATING
DANGEROUS BUILDINGS

Section 1. Authority. This ordinance is adopted by the Selectboard of the Town of Greensboro 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 and structures in the Town of Greensboro.

Section 3. Definitions. The following definitions pertain to this ordinance:

- 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 Greensboro Selectboard to enforce this ordinance. The Building Safety officer may hold any other office in the Town of Greensboro. 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 that the Building Safety Officer is unavailable, or has a conflict of interest, the Greensboro Town Health Officer 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 Greensboro may be a Dangerous Building or Nuisance Structure, a 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 public, no notification shall be necessary prior to inspection.

GREENSBORO, VT., TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
THIS 13th DAY OF June A.D. 2019
AT 12 O'CLOCK 30 MINUTES P M AND
RECORDED IN GREENSBORO RECORDS, BOOK Town Records BWR PAGE 325
ATTEST Kim Healey TOWN CLERK

3. If the owner of a building or structure fails or refuses to consent to the inspection, the Building Safety Officer shall obtain a search warrant from the Orleans County Superior Court for the purpose of conducting the inspection.

4. The Building Safety Officer may retain such 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 or structure is a Dangerous Building or Nuisance Structure, 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 by the owner, which shall be not less than fifteen (15) days from the date of 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.

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 Greensboro Selectboard.

C. Appeal.

1. A person aggrieved by a Building Safety Order may appeal such Order to the Town of Greensboro Selectboard within fifteen (15) days 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) 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 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 Orleans County Superior Court, at the election of the Building Safety Officer.

2. This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. § 1974a, including but not limited to:

a. A civil penalty of not more than \$400.00 may be imposed for a violation of this ordinance unless stated to be otherwise for a specific violation. Each day the violation continues shall constitute a separate violation. A waiver fee of \$200.00 may be paid into the town treasury in lieu of an appearance before the Judicial Bureau unless stated to be otherwise.

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 be the designated enforcement officer(s). The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing.

c. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Greensboro may pursue all appropriate injunctive relief.

Section 5. Severability. Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Section 6. Effective Date. This ordinance shall become effective 60 days after its adoption by the Town of Greensboro Selectboard. If a petition for a vote on this ordinance is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

June 12, 2019

DATE

Peter Rana
Shelby
Stacy
W. H. W. H.
SELECTBOARD SIGNATURES