

**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE
CHAPTER 15.
ORDINANCE REGULATING VACANT BUILDINGS,
BLIGHTED PREMISES AND DANGEROUS PROPERTY**

PURPOSE: In accordance with 24 V.S.A. 2291, to define what constitutes vacant buildings, blighted premises and dangerous property, and to provide procedures and take action for their abatement or removal as the public health, safety or welfare may require.

SECTION 1501. DEFINITIONS:

(a) Blighted Premises: Any building, structure or parcel of land, except exempt property as defined below, in which at least one of the following conditions exists:

1. It is dilapidated or becoming dilapidated as documented by the Village Manager and/or assigns;
2. It is attracting illegal activity as documented by the Police Department;
3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department;
4. It is determined by the Village Manager and/or assigns or by Health Department reports that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community.
5. It is not being maintained. The following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding or walls; a structurally faulty foundation; garbage, trash or abandoned/unregistered cars on the premises (unless the premises is a junkyard legally licensed); overgrown grass or weeds of at least one foot in length; graffiti; and fire damage; or
6. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on the subject property or on adjacent properties.

(b) Building Safety Officer: Village Manager and/or assign

(c) Dangerous Property:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause is likely to partially or completely collapse.
 2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (d) Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
- (e) Fire Hazard. Exists whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
- (f) Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(g) Vacant building: Any structure or building that is unoccupied by a person or occupied by unauthorized persons for ninety (90) days, excepting permitted warehouse structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis.

(h) Vacant Nuisance Property: Any property that has been vacant for ninety (90) days and has also been determined to be a Dangerous Property.

SECTION 1502. VACANT BUILDINGS:

(a) When the owner of a vacant building fails to actively maintain and manage a building the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard or on unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.

(b) It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety or welfare.

(c) One vacant property that is not actively and well maintained and managed can be the core and cause of spreading blight.

(d) Owners of multiple buildings, either concurrently or serially, that are vacant and blight to the community are a significant problem in the Village. Owners of buildings who fail to correct deficiencies and blighted conditions in their buildings contribute to the decline of neighborhoods to a greater extent than those who own only one building. It is in the interest of the welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant and blighted buildings are subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this article in a prompt manner.

(e) No owner shall allow a building designed for human use or occupancy to be a vacant building for more than ninety days, unless one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building meets all Village codes, does not contribute to blight, is ready for occupancy, and is:
 - a) Actively being offered for sale, lease, or rent, or
 - b) Is actively being maintained and monitored by the owner, as defined in below:
 1. Maintenance of the building in continuing compliance with all applicable codes and regulations.
 2. Prevention of criminal activity on the premises.
 3. The posting of a notice in a conspicuous place on the front of the building stating the name, address, and telephone number of both the owner and, if applicable, the owner's agent in control of the building. This notice shall have lettering not less than two (2) inches high and shall be generally readable from at least thirty feet away.

SECTION 1503. VACANT BUILDING MAINTENANCE STANDARDS:

(a) Active maintenance and monitoring shall include all of the following:

1. *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.
2. *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

3. *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.
4. *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces 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.
5. *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces 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.
6. *Drainage:* The building storm drainage system shall be functional and installed to Village Standards, and allow discharge to Village Standards.
7. *Exterior walls:* The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces 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.
8. *Foundation walls:* The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal proof.
9. *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces 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.
10. *Premises:* The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.
11. *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building, or admit moisture or rain to a contiguous building.
12. *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
13. *Walkways:* Walkways shall be safe for pedestrian travel.

SECTION 1504. REQUIRED BOARDING OF VACANT BUILDINGS.

- (a) For the purposes of this article, “boarded” shall mean the covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the buildings by persons or animals.
- (b) Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows.
- (c) Vacant buildings that are immediately dangerous and are open and accessible to the general public may be summarily boarded by the Village, pursuant to this Ordinance.
- (d) Any building that is boarded, whether by voluntary action of the owner or as a result of

enforcement activity by the Village, shall be boarded in compliance with Village standards promulgated by the Village Manager, and approved by resolution of the Board of Trustees.

SECTION 1505. DANGEROUS BUILDINGS.

(a) If, upon inspection of a building, the Village or Village Agent determines that a building, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Village Manager shall commence an abatement action by issuing a Building Safety Order. The Building Safety Order shall:

1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
3. Set a date by which the actions to secure a Dangerous Building or Premises 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.

(b) The Safety Order shall be served upon the owner of the Dangerous Building or Premises by first class certified mail, return receipt requested. A copy of the Order shall be provided to the Board of Trustees of Essex Junction.

(c) If it appears to the Village Manager or Village Agent that such structure or premises would be especially dangerous, the Village may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the Villages authority.

(d) If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Village shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.

(e) For removal or demolition, the Village Manager, or other appropriate Village officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Village Manager Officer may also seek the imposition of fines in accord with this Ordinance.

(f) The Building Safety Officer may contract with such service providers or use such other Village employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

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SECTION 1506. ADMINISTRATIVE PENALTY

Any owner of a building that is in violation of this Ordinance shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this article if the owner's building remains in violation of this Ordinance thirty (30) days following the imposition of the first administrative penalty. Additional penalties may be imposed in each thirty (30) day period following the imposition of an administrative penalty under this article. Additional penalties may be imposed so long as the violations continue. A second and any subsequent penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00).

If a previous administrative penalty has been imposed pursuant to this article upon an owner within two years of the date of the imposition of the present administrative penalty, and that previous administrative penalty related to a vacant building other than the building presently the subject of an administrative penalty, any penalty imposed shall in no case be less than two thousand dollars (\$2,000.00) nor more than ten thousand dollars (\$10,000.00).

SECTION 1507. APPEAL

A person aggrieved by a revocation, suspension or penalty pursuant to this Ordinance may appeal as outlined in the Trustees' Policy regarding the Ordinance Appeals Board.

SECTION 1508. MONITORING FEE FOR VACANT NUISANCE PROPERTIES

Any vacant building that also constitutes a public nuisance shall be subject to monthly monitoring fees and enforcement response fees, to recover the Village's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the Village Trustees. The monitoring fee shall be imposed upon the initial determination that the vacant building constitutes a public nuisance. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee. On buildings requiring more than one (1) involuntary Village enforcement response within any thirty (30) day period, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner. Monitoring fees of \$250 per month shall be imposed as long as the vacant building remains a public nuisance. Any monitoring fee imposed pursuant to this section may be appealed by the same process that is available for appeal of Safety Orders and Administrative Penalties.

SECTION 1509. NONCOMPLIANT BUILDINGS OR PROPERTY.

Any building or property in violation of this Ordinance shall not be accepted for review by the Planning Commission or Zoning Board of Adjustment until the violation is rectified.

SECTION 1510. 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.

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