

CITY OF BURLINGTON

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section [18-16](#) and the hosts of all short term rentals shall be required to file a registration application and fee with the enforcement agency, which shall be renewed annually on or before April 1.

(1) All owners or hosts must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- a. The address of the property.
- b. The number of dwelling units at that address.
- c. The number of rental units at that address.
- d. The maximum number of residents or guests in each rental unit.
- e. The number of sleeping rooms in each rental unit.
- f. The number of vehicles owned or used by residents or guests at the premises and the number of parking spaces that are dedicated for the rental units at the property.
- g. The name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
- h. The name, address, phone number, and email address, of:
 1. Any local (within Chittenden County) managing agent. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner or host in matters concerning compliance with this chapter.
 2. An emergency contact for this property. All properties must have an emergency contact within Chittenden County.
 3. A designated person within the state for service of process for this property. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process.

4. If any of the individuals designated pursuant to this subsection move out of Chittenden County or leave Chittenden County for more than thirty (30) days during the rental unit's annual registration period, the owner or host shall submit updated contact information to the enforcement agency.

(2) All owners of rental units rented for thirty (30) days or more (i.e., other than short term rentals) must also provide the following information:

- a. The number of families living in each rental unit.
- b. The number of unrelated adults in each rental unit.
- c. State yes or no to the following question: If the number of unrelated adults above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(3) All hosts of short term rentals must also provide the following information:

- a. The number of whole unit or partial unit short term rentals within the building, or in the case of multiple buildings on a parcel of land, on the entire lot.
- b. For hosts who are tenants, the name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the host, and written permission from the owner of the rental unit that the tenant may register it as a short term rental.
- c. Written proof of the host's primary residence. For hosts who are owners of the short term rental, this shall be proven by a declaration of homestead pursuant to [32 V.S.A. § 5410](#). For hosts who are tenants, the enforcement agency may accept other written proof of permanent residency at its discretion, relying on criteria such as the address listed on the host's drivers license, car or voter registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

(b) Upon purchase or transfer of property containing a rental unit, or upon a change in the host of a short term rental, the purchasers, transferees, or new host shall file a new registration application and a fifty dollar (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner or host on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner or host shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner or host of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners and hosts shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) of this section during the periods between the required filings of the registration applications.

(f) In addition to registration requirements for all rental units noted in subsections (a) through (e) of this section, all short term rentals shall be subject to the following standards:

(1) A host may register their primary residence as one (1) whole unit short term rental or the host may register up to three (3) rooms within their primary residence as a partial unit short term rental.

(2) In buildings or lots with less than five (5) dwelling units, a host may register a dwelling unit within the same building or lot as their primary residence as one (1) whole unit short term rental.

(3) A host may register a dwelling unit that is not within the same building or lot as their primary residence as one (1) whole unit short term rental only if either:

a. The dwelling unit is indicated as a seasonal home by the Burlington assessor; or

b. The dwelling unit is within a building with two (2) or more dwelling units and the host rents another dwelling unit within the same building or lot, in excess of any applicable required inclusionary units, that meets the affordability criteria of Article 9, Inclusionary Zoning, of the comprehensive development ordinance or is rented to a tenant receiving Federal or State rental assistance.

(4) A host may not register more than one (1) whole unit short term rental. If a host registers one (1) whole unit short term rental that is not their primary residence, they may still rent a partial short term rental in their primary residence. A host who is a tenant may only register a short term rental in their primary residence. A host may not use multiple corporations or other entities to register more than one (1) whole unit short term rental.

(g) The enforcement agency shall create and maintain a registry of all rental units that includes the registration data required by subsection (a) of this section. Upon request and at least annually, the enforcement agency shall provide to the city council a summary of the registry, including the number of registered rental units, the number of registered short term rental units, and any other requested data collected by the registry.

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00; Ord. of 6-27-22)

18-16 Inspection required. SHARE

The enforcement officer or their delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period of thirty (30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation and partial unit short term rentals. Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plans for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00; Ord. of 6-27-22)

18-17 Administration of housing inspection program.

The director of the enforcement agency is the enforcement officer of the provisions of this chapter. The enforcement officer may take such measures as are necessary for the proper administration of the chapter. The enforcement officer may delegate his/her powers and duties under this chapter to an appropriate administrator or any inspector designated by the agency.

(Ord. of 4-12-93)


18-18 Certification of compliance or interim rental permit required.

(a) The owner of a rental unit subject to inspections pursuant to Section [18-16](#) shall not rent, offer for rent or allow any person to occupy any dwelling or dwelling unit without a certificate of compliance or interim certificate.

(b) Upon the expiration of a certificate of compliance or the creation of a rental unit that is not a newly built or substantially renovated unit that has been issued a certificate of occupancy, the enforcement agency shall have been deemed to have issued an interim certificate for each rental unit; provided, that the owner has submitted a completed registration application, paid all registration fees for all rental units on the property and paid all other fees owed pursuant to this chapter. Although a single certificate may be issued listing all of the rental units located within a particular property, a separate and distinct certificate shall be considered to have been issued for each rental unit. The interim certificates shall be valid until the unit is inspected. During the term of the interim certificate, the agency shall contact the property owner or agent to schedule an inspection of the rental property. Once an inspection has been conducted, the agency shall issue a certificate of compliance and/or any such other appropriate orders pursuant to this chapter. If the property owner fails to schedule an inspection as requested by the agency, the interim certificate shall be revoked. Rental properties that have outstanding orders to correct violations as listed in Section [18-19\(g\)](#) or [\(h\)\(1\)–\(8\)](#), are exempt from this subsection, and thus may not receive an interim certificate. Prior to the issuance of any certificate of compliance, all registration and other fees owed pursuant to this chapter shall be paid to the agency.

(Ord. of 4-12-93; Ord. of 8-14-95; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-19 Issuance of certificates and permits; terms of inspection.



(a) All current certificates of compliance or interim certificates will remain in effect until a new certificate is issued pursuant to the terms of this section unless the certificate expires due to the failure of an owner to (1) file a timely registration application or pay all fees owed pursuant to this chapter by April 1, the time of registration, or (2) the certificate is suspended or revoked pursuant to the provisions of Section [18-20](#) or (3) the owner fails to schedule a periodic inspection.

(b) The agency shall issue a certificate of compliance which shall expire five (5) years from the date of issuance for rental properties that have been newly built or substantially renovated, such certificate of compliance becoming effective on the same date as the certificate of occupancy for the property is effective. Rental property shall be deemed substantially renovated if the cost of renovation exceeds fifty (50) percent of the assessed value of the building prior to renovation. The certificate shall apply to all rental units within the rental property.

(c) The agency shall issue a certificate of compliance which shall expire five (5) years from the date of issuance for rental properties that have had a periodic inspection and no violations of the minimum housing standards were found. The certificate shall apply to all rental units within the rental property.

(d) Upon completion of a periodic inspection of a rental property, if an individual unit contains five (5) or fewer violations of the minimum housing standards and no major or life-threatening violations and if the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire four (4) years from the date of the agency's notice of compliance. The certificate shall apply to all rental units within the rental property.

(e) Upon completion of a periodic inspection of a rental property, if an individual unit contains between five (5) and ten (10) minimum housing standards violations but no major or life-threatening violations, and if the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire three (3) years from the date of the agency's notice of compliance. The certificate shall apply to all rental units within the rental property.

(f) Upon completion of a periodic inspection of a rental property, if an individual unit contains up to ten (10) violations of the minimum housing standards that are not major or life-threatening violations and the violations are corrected but not within the time set for compliance, the agency shall issue a certificate of compliance which shall expire two (2) years from the date of the initial periodic inspection that found the violations. The certificate shall apply to all rental units within the rental property.

(g) Upon completion of a periodic inspection of a rental property, if an individual unit contains more than ten (10) minimum housing standards violations or is found to have any of the following conditions, and the violations are all corrected within the time set for compliance, the agency shall issue a certificate of compliance which shall expire one (1) year from the date of the initial periodic inspection that found the violations or conditions:

- (1) The physical condition or use of any dwelling constitutes a public nuisance;
- (2) Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any dwelling that has unsanitary sewage or plumbing facilities;
- (4) Any dwelling that is designated as unsafe for human habitation or use;
- (5) Any property that is a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property; including significant life safety violations such as missing smoke alarms and blocked escapes and exits;

- (6) Any dwelling from which the plumbing, heating or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
- (7) Any property that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (8) Any dwelling that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.

The certificate shall apply to all rental units within the rental property. In the event that the rental property with this number of violations or conditions is substantially rehabilitated and receives a certificate of occupancy, the provisions of subsection (b) of this section shall apply.

(h) Upon completion of a periodic inspection of a rental property, if an individual unit contains more than ten (10) minimum housing standards violations or is found to have any of the following conditions, and the violations are completed but not within the time set for compliance, the agency shall issue a certificate of compliance which shall expire six (6) months from the date of the initial periodic inspection that found the violations or conditions:

- (1) The physical condition or use of any dwelling constitutes a public nuisance;
- (2) Any physical condition, use or occupancy of any dwelling or its appurtenances is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any dwelling that has unsanitary sewage or plumbing facilities;
- (4) Any dwelling that is designated as unsafe for human habitation or use;
- (5) Any property that is a fire hazard or is manifestly unsafe or unsecured as to endanger life, limb or property, including significant life safety violations such as missing smoke alarms and blocked escapes and exits;
- (6) Any dwelling from which the plumbing, heating or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
- (7) Any property that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (8) Any dwelling that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.

The certificate shall apply to all rental units within the rental property. In the event that the rental property with this number of violations or conditions is substantially rehabilitated and receives a certificate of occupancy, the provisions of subsection (b) of this section shall apply.

(i) Nothing in this section shall preclude the inspection of said properties more frequently than the term of the certificate of compliance.

(j) The issuance of a certificate of compliance by the agency for a term of less than three (3) years shall be an order that is subject to appeal as provided in Sections [18-25](#) and [18-42](#).

(Ord. of 4-12-93; Ord. of 8-14-95; Ord. of 9-11-00; Ord. of 12-1-14(1))

18-20 Suspension and revocation of certificate.

(a) *Suspensions.* Under the terms and provisions of this section, an owner's certificate of compliance for one (1) or more rental unit(s) may be suspended for up to one (1) year for failure to comply with the requirements of this chapter and the fault for noncompliance is determined to rest with the landlord, not the tenant(s). Suspensions may be carried over into a new certificate term. If suspensions have been imposed for at least one-half (1/2) of the total number of rental units located within the property, the enforcement officer may apply the suspension of the certificate of compliance to the entire rental property. The election of the enforcement officer to proceed under this section shall not prevent the enforcement officer from electing to file any action allowed under Section [18-31](#) or take any other lawful action necessary to enforce this chapter. A certificate of compliance shall only be suspended upon a notice from, hearing before, and order of the housing board of review.

(1) *Suspension for noncompliance with Article II of this chapter (Administration and Enforcement).* A certificate of compliance may be suspended in the event that an owner fails to take the following actions as required by the provisions of Article II of this chapter after having been given two (2) notices of the particular failure within a six (6) month period:

- a. Register a rental unit;
- b. Pay registration, relocation, or reinspection fees;
- c. Schedule an inspection.

(2) *Suspension for noncompliance with Article III of this chapter (Minimum Standards).* A certificate of compliance may be suspended in the event that an owner is found to have violations of the city's minimum housing standards and the owner fails to abate the violation in the time required by the inspector without having appealed the finding or received an extension to abate the violation.

(3) *Suspension for noncompliance with an order of a fire, health, building, electrical, or plumbing official, city or State, related to the protection of health or fire prevention and building safety.* A certificate of compliance may be suspended in the event that an owner fails to bring a rental unit into compliance with an applicable fire, health, building, electrical, plumbing **code**, standard, rule, ordinance, or statute after being ordered to do so by a duly authorized fire, health, building, electrical, or plumbing official without having appealed the finding or received an extension to abate the violation.

(4) *Suspension for repeated criminal disturbances occurring on the rental property.* A certificate of compliance may be suspended where a resident of a rental unit or their invitees are:

- a. Adjudicated by a criminal court, with finality, to have violated federal or Vermont criminal law on the rental property on at least three (3) separate occasions within a twelve (12) month period; and
- b. Each adjudication involved disturbing the right of other residents of the property to the undisturbed use and enjoyment of the property, or disturbing the right of neighbors to the undisturbed use and enjoyment of their property; and
- c. The landlord has failed to attempt appropriate remedial action reasonably calculated to prevent the recurrence of the disturbances from emanating from the rental unit or rental property after being notified of the adjudications.

(5) *Suspension for repeated public nuisances.* A certificate of compliance may be suspended where a resident of a rental unit or their invitees are:

- a. Adjudicated by a court of competent jurisdiction, with finality, to have, on at least three (3) separate occasions within a twelve (12) month period, violated Sections [21-12](#), [21-13](#), [21-17](#), [21-19](#), and [21-28](#); and
- b. Each adjudication involved disturbing the right of other residents of the property to the undisturbed use and enjoyment of the property, or disturbing the right of neighbors to the undisturbed use and enjoyment of their property; and
- c. The landlord has failed to attempt appropriate remedial action reasonably calculated to prevent the recurrence of the disturbances from emanating from the rental unit or rental property after being notified of the adjudications.

(6) *Exclusions.*

- a. Where an adjudicated crime or violation of listed ordinance involved coercion, abuse, or violence against a resident, neither that resident nor their unit shall be the subject of any notice of a suspension/revocation request based on such adjudication. This includes activity relating to, but not limited to, domestic violence, dating violence, sexual assault, or stalking if the resident is the victim or threatened victim of such activity.
- b. Where an adjudicated crime involves the violation of a federal law on marijuana and the behavior so adjudicated is not a violation of Vermont law, then the adjudication shall not be counted as an adjudication under subsection (a)(4)(a) of this section and shall not be a basis for a notice of suspension/revocation.

(7) Eviction and notice of termination of tenancy shall not be considered to be an appropriate remedial action unless other documented appropriate remedial action(s) have been taken and those actions have failed to end the criminal disturbances.

(8) Nothing in subsection (a)(4) or (5) of this section shall be construed to take away any rights and responsibilities that an owner or tenant has under the Vermont Residential Rental Agreement Act or other applicable federal or State law.

(b) *Revocation.* An owner's certificate of compliance for the entirety of a rental property may be revoked for the remainder of its term but in no case for a period of less than one (1) year upon a

hearing before, and order of, the housing board of review if the provisions of this subsection are satisfied. Revocations may occur under the following circumstances:

- (1) More than one (1) suspension within eighteen (18) months; or
- (2) The failure to immediately commence the correction of a life threatening violation, or to immediately put in place the interim protections ordered by the minimum housing enforcement officer or a duly authorized fire, health, building, electrical, or plumbing official in order to preserve health, safety and welfare of those endangered by said violation; or
- (3) To fail to complete the correction of a life threatening violation within the time frame specified by the enforcement officer.

(c) *Notices.*

(1) *Notice of request.* The enforcement officer shall file a request for an order of suspension or revocation with the board providing a description of the property for which action is sought, the basis under this section for the action, a short statement providing factual support for the basis, and a request for a hearing. The enforcement officer shall send a copy of the request to all the persons designated as the owner on the rental registration form, the person on the registration form listed as the person receiving service of process, and tenants of the subject rental unit or, if applicable, rental property. The copy sent to the tenants may be addressed to the "residents" unless the enforcement officer is in possession of a listing of tenants currently residing in the unit or the rental property, in which case the copy shall be sent to those tenants by first class mail. If the enforcement officer is in possession of a listing of tenants currently residing in the unit or property, the officer shall provide that list to the board for use in all notices required under this section. The enforcement officer shall also post a copy of the request in a prominent and conspicuous common area of the rental property.

(2) *Notice of hearing.* Notice of a hearing shall be sent by the board to all the persons designated as the owner on the rental registration form, the person on the registration form listed as the person receiving service of process, and any property manager at the address provided on the rental registration form. Notice of the hearing shall also be sent by the board to the tenants. The notice to the tenants may be addressed to the "residents" unless the board is in possession of a listing of tenants currently residing in the unit or the rental property, in which case the copy shall be sent to those tenants by first class mail. The enforcement officer shall also post a copy of the request in a prominent and conspicuous common area of the rental property.

(d) *Hearings.* A suspension or a revocation hearing shall be held pursuant to the provisions of Article II, Divisions 2 and 3 of this chapter. In addition to the rights of owners to be heard as provided for by Article II, Divisions 2 and 3 of this chapter, residents of the affected building shall have the right to be heard, to present evidence, and have their arguments considered at the suspension hearing.

(e) *Orders.* The board shall determine if each of the essential elements required for the requested action has been satisfied by a preponderance of the evidence. The determination of appropriateness of the remedial actions taken shall, in addition to subsections (a)(6) and (7) of this section, take into account the rights and responsibilities of owners and tenants under the residential rental agreement laws of the State of Vermont or other applicable federal or State laws and the full range of lawful options available to each under such laws. The order shall specify the time period the certificate of

compliance is suspended or revoked for and the means by which the rental unit or property shall be managed during the term of suspension or revocation. The order shall also determine if it is necessary for the tenants of a rental unit to be relocated during the effectiveness of any suspension. An owner may request that the board vacate the order and reinstate the certificate after the suspension has been in effect for at least half of its scheduled duration under the following conditions:

(1) Vacation of the order issued under subsection (a)(2) or (3) of this section may be granted if the entirety of the violation(s) which resulted in the suspension has been rectified.

(2) Vacation of an order issued under subsection (a)(1) of this section may be granted if the owner shows by a preponderance of the evidence that the conditions that led to the failure(s) to comply have been abated and are not likely to be repeated.

(3) Vacation of an order issued under subsection (a)(4) or (5) of this section may be granted if the owner shows by a preponderance of the evidence that the owner has sufficient controls, consistent with the rights and responsibilities of owners and tenants under the residential rental agreement laws of the State of Vermont or other applicable federal or State laws and the full range of lawful options available to each under such laws, necessary to prevent a repeat of the conduct that led to the suspension.

(4) Vacation of an order issued under subsection (b)(1) of this section may be granted if the owner shows by a preponderance of the evidence that the conditions that led to the suspensions have been abated and are not likely to be repeated. Vacation of an order issued under subsection (b)(2) or (3) of this section may be granted if the violation(s) has been rectified or the protections put into place and the underlying conditions are not likely to be repeated and the protections are likely to remain in place.

(f) *Protection of tenants during suspension or revocation.* If, in the judgment of the board, it is necessary for the tenants of a rental unit to be relocated during the effectiveness of any suspension/revocation ordered, the owner shall be financially responsible to pay for the cost of such relocation to comparable housing that meets **code** requirements during the relocation, as those costs are defined in Section [18-28](#). In the event that the owner fails to meet its obligations under this subsection, such costs shall be paid by the city and the costs and charges incurred shall constitute a lien upon the land upon which the dwelling or dwelling unit is situated, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the lien and shall be enforced within the time and in the manner provided for the collection of taxes on land. The enforcement officer shall take all actions required under Sections [18-26](#) and [18-28](#) needed to provide tenants with the protections provided under this section. The owner shall also be liable for an administrative fee of fifty dollars (\$50.00) for the cost of administering this section, such fee to be included in the lien.

(g) *Person responsible for management during suspension or revocation.* The board shall designate the person through which a unit or property is managed during the period of suspension or revocation. This manager must be in compliance with the provisions of this chapter throughout their term as manager. The board shall designate one (1) of the following persons to be the manager, as recommended by the enforcement officer, upon a determination of appropriateness:

(1) A relative or business associate;

(2) A property management company or similar entity; or

(3) The property owner in the limited circumstance when there is only one (1) rental unit in a multi-unit property; provided, that safeguards are in place so that compliance with this subsection is ensured.

In addition, the board may also authorize the enforcement officer to petition the Vermont Superior Court to appoint a temporary manager of the property until the suspension/revocation has expired and request that the court shall advance the petition so it may be heard and determined with as little delay as possible.

(h) *Rent/funds*. During the term of suspension or revocation the rent due for the affected units or property shall be collected from the tenants by the appointed manager. The manager shall apply the rental funds in the following order of priority:

- (1) To compensate the appointed manager;
- (2) To correct the violations which led to the creation of the suspension or revocation;
- (3) For repairs and maintenance to the property;
- (4) To meet property tax and other municipal charges collected as taxes on land;
- (5) To remit to the owner in order to meet obligations owed to any mortgage holder or other creditor having a secured interest in such rental unit or property; and
- (6) To remit to the owner any and all remaining rental revenues.

Fifteen (15) percent of rents per month per unit may be charged by the appointed manager as compensation.

(i) *Annual reporting*. The housing board of review shall, as part of its annual report to the city council, report on the number of requests submitted, hearings held and the number of residents known to have been affected.

(Ord. of 6-25-**18**(2); Ord. of 10-15-**18**)

Editor's note—An ordinance adopted June 25, 2018, repealed and replaced § **18-20**, which pertained to suspension and revocation of certificate and derived from ordinances adopted September 11, 2000, and December 1, 2014.

18-20.1 Reserved.

Editor's note—An ordinance adopted Dec. 1, 2014, repealed § **18-20.1** which pertained to renewal of interim certificates of compliance and derived from ordinances adopted Apr. 12, 1993, and Sept. 11, 2000.

18-21 Availability of certificate.

Upon the request of an existing or prospective tenant, the owner or the owner's agent shall produce the certificate of compliance. A copy of all certificates issued under this chapter shall be displayed on the premises at all times.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-22 Authority to enter dwellings for inspections.

(a) In the enforcement of this chapter, the enforcement officer and inspectors may enter, examine and survey all rental units within the city that are subject to periodic inspections pursuant to Section [18-16](#) at any reasonable time between the hours of 8:00 a.m. and 5:00 p.m. The owner and occupant shall cooperate with the agency so that such inspections shall be made so as to cause the least inconvenience to the owner or occupant of the rental unit, consistent with the efficient performance of the duties of the agency. The agency shall notify the owner of a rental unit in writing, at the address provided by the owner on the registration application, of its intention to schedule an inspection. The owner shall contact the agency to arrange for an inspection within fourteen (14) days, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in [9 V.S.A. Section 4460](#). During the inspection, the owner shall provide access to the rental units.

(b) If the inspector has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare or safety of the occupants of any dwelling or dwelling unit or the general public, he may enter, examine and survey the dwelling unit at any time.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-23 Authority to obtain search warrants.

If entry for inspection is resisted or refused, a search warrant for entry may be issued by the Vermont District Court upon presentation of affidavits establishing probable cause. Probable cause shall be considered established upon a showing that:

- (1) The dwelling or dwelling unit has not been inspected in more than a year;
- (2) The dwellings or dwelling units in the same building or under the control of the same owner are in violation of this chapter;
- (3) A violation of this chapter has been previously found in the dwelling or dwelling unit sought to be entered and the agency has no reason to believe that the violation has been corrected; or
- (4) A complaint has been filed with the agency and the agency has been barred or refused entry.

(Ord. of 4-12-93)

18-24 Investigation of complaints.

The enforcement officer or his/her delegate shall investigate each complaint received by the enforcement agency within seven (7) business days of its receipt to determine if violations exist and to commence correction of same. There shall be a written record of each complaint which includes the source of the complaint, the findings of the investigation and the action taken, if any. The name of any complainant shall be considered confidential information unless the complainant requests otherwise. If no violations exist at the time of inspection, this finding shall be noted on the written record and the case closed. A copy of the inspector's written record shall be made available to the property owner on request. However, the name of the complainant shall be removed unless the complainant otherwise requests.

It is expressly provided that both owners and occupants may complain to the inspectors of violations under this chapter and all such complaints shall be treated in the same manner.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-25 Orders.

Where any inspection of the property by a duly authorized city **code** official, fire inspector, law enforcement officer or health officer indicates that a violation of [the chapters listed below] exists, the inspecting officer or his delegate shall issue a written order notifying the party responsible of the existence of the violation and the measure required to correct or eliminate it as soon as possible.