



ARTICLE I. PURPOSE

The purpose of the building code is to provide for the safety, health and public welfare through structural strength and stability, means of egress, adequate light and ventilation, and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures.

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Statutory Cross-Reference: 24 V.S.A. § 3101.

ARTICLE III. GENERAL PROVISIONS

SECTION 4.01. HOW CHAPTER CITED

This chapter shall be known as the "Winooski Building Code," and may be so cited.

SECTION 4.02. SCOPE OF CODE

The provisions of the building code shall apply to the construction, alteration, equipment, use and occupancy, location and maintenance of buildings and structures and to appurtenances such as vaults, areaways and street encroachments, hereafter erected and, where expressly stated, existing on land or over water and to buildings, structures and equipment for the operation thereof hereafter moved or demolished in the city. The provisions of this code based on occupancy shall also apply to existing buildings and structures, or portions thereof, converted from one occupancy classification to another.

SECTION 4.03. DEFINITIONS

Unless otherwise expressly stated, the definitions as given in the edition of the building code adopted by this chapter shall be used for the purpose of this chapter.

SECTION 4.04. BUILDING CODE ADOPTED

Construction, reconstruction, or material alteration of buildings and maintenance and operation of premises shall be in accordance with the building code standard adopted by the State of Vermont.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

SECTION 4.05. BUILDING INSPECTOR TO BE APPOINTED

The city manager shall appoint a qualified person or persons to be the building inspector of the city and such deputy building inspectors as is necessary to perform the functions required by the office.

Statutory Cross-Reference: 24 V.S.A. § 3102 et seq.
Charter Cross-Reference: 24 V.S.A. App. § 19-506.

SECTION 4.06. ENFORCEMENT OF BUILDING CODE; AUTHORITY OF INSPECTOR TO ENTER BUILDING

- A. The city building inspector is hereby authorized and empowered to enforce all codes relating to the construction, equipment, management and condition of all buildings and structures within the city and to supervise the issuance of permits for the construction, reconstruction or removal of all buildings.
- B. In the course of his/her duties the building inspector shall have the authority to enter any building, structure or premises in the city within reasonable hours.

SECTION 4.07. INSPECTIONS

Inspections required under the provisions of the building code shall be made by the building inspector or his/her duly appointed assistant. The building inspector may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability.

SECTION 4.08. APPEALS

- A. An owner, occupant or person interested who is aggrieved by any order made under the building regulations may appeal to a board of arbitrators appointed as provided by 24 V.S.A. § 3109-3110, or to the Criminal Division of the Superior Court at their election. The board of arbitrators or such court shall have the power to annul, amend, modify or affirm such order of the building inspector. Such appeal shall be taken within five (5) days after receipt of the inspector's notice and order by the aggrieved party, his architect or builder. Such notice of appeal shall specify the appellant's election of the tribunal to which the appeal is taken. In case of an election to appeal to a board of arbitrators, it shall be deemed perfected by a written notice of appeal left with the building inspector personally or at his office. In case of an election to appeal to the court, a copy of such notice, with an affidavit of service thereon upon the inspector or his deputy shall be filed with the clerk of such court or judge thereof, and thereupon such appeal shall be deemed perfected. If there is no such court having jurisdiction, appeal may be to a superior judge.
- B. The board of arbitrators shall be composed of two (2) disinterested persons, residents of the city, one (1) of whom shall be appointed by the appellant and one (1) by the building inspector. If such arbitrators cannot agree, a third member shall be chosen by them. On failure to agree as to such third member, s/he shall be appointed by a Judge of the Criminal Division of Superior Court. A decision of a majority of the board of arbitrators thus composed, when reduced to writing sworn to and filed in the inspector's office, shall be final and conclusive upon the parties. The expense of such arbitration shall be paid by the appellant.

Statutory Cross-Reference: 24 VSA § 3109

ARTICLE V. PERMITS, CERTIFICATES AND FEES

SECTION 4.09. PERMIT REQUIRED

- A. It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction, addition, alteration, removal or demolition of a building or structure, or install equipment for the operation of a building or structure without first filing with the building inspector an application in writing and obtaining a formal permit.
- B. In the application for any permit required under the provisions of this section, the following additional provisions shall apply to any application for a permit
 - 1. Plans and specifications as deemed necessary by the building inspector shall be submitted and approved concerning the proposed improvements prior to granting of any building permit.
 - 2. An applicant must be in compliance with all regulations duly adopted by the city prior to or contingent upon approval of any permit.

SECTION 4.10. APPLICATION FORM

An application for a permit shall be submitted in such form as the building inspector may prescribe. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officer. The application shall also describe briefly the proposed work and shall give such additional information as may be required by the building inspector for an intelligent understanding of the work proposed.

SECTION 4.11. PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

SECTION 4.12. ACTION ON APPLICATION

The building inspector shall examine applications for permits within a reasonable time after filing. If, after examination, s/he finds no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction or work will be safe, s/he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, s/he shall reject such application, note his/her findings in a written report to be attached to the application and deliver a copy to the applicant.

SECTION 4.13. CONDITIONS OF ISSUANCE OF PERMIT

A permit required by this article shall not be granted until the required fee is paid to the city and until the building inspector is satisfied from an examination of the plans and specifications or the detailed memoranda of the proposed building or alteration, that such structure when completed will be safe and secure and built in a good manner to escape the dangers of fire, explosion and disease.

SECTION 4.14. REVOCATION OF PERMIT

The building inspector may revoke a permit or approval issued in case where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

SECTION 4.15. COMPLIANCE WITH PERMIT

All work performed under a permit issued by the building inspector shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction, as shown on the approval plot plan or an approved amendment thereto, shall be strictly adhered to.

SECTION 4.16. DURATION OF PERMIT

No permit granted hereunder shall be valid after one (1) year from its day of issuance, unless a substantial portion of the work to be done under it shall have been completed during such period.

SECTION 4.17. PERMIT FOR MOVING BUILDINGS

- A. The owner of a building or structure shall not move or cause to be moved, such building or structure until a permit has been obtained from the building inspector.
- B. No permit to remove a building or structure shall be issued until notice of application thereof shall have been given to the owners of property adjoining the property upon which said building or structure is to be moved and to the owners of wires or other impediments the temporary removal of which will be necessary, and an opportunity has been given said owners to be heard upon such application; nor until a bond in an adequate sum has been filed with the officer of proper authority, to indemnify and save harmless the city from damage.

SECTION 4.18. [RESERVED.]

SECTION 4.19. FEES

- A. Every person applying for a permit shall first pay to the city a fee for such permit in accordance with the Winooski fee schedule for such estimated cost of the work and construction as the building inspector may approve.
- B. On the completion of construction, the owner shall furnish the building inspector with a correct statement of the total actual cost of the construction, including the cost of all materials, labor, plumbing, heating and lighting, and shall then pay to the city an additional fee at a rate in accordance with the Winooski fee schedule, applied to the excess of such total actual cost of the work above the estimated cost on which a fee was first paid, and in case the actual cost of the construction upon the completing thereof is less than the estimated cost upon which the first fee was paid, the city shall refund to the person who paid the first fee, the proportionate part thereof represented by the excess of the estimated cost over the actual cost provided that such refund does not reduce the fee to less than the minimum provided for in the Winooski fee schedule.
- C. If a building or alteration or extension of a building is begun without the payment of such fee or without such certificate or permit, or the building inspector is not furnished upon the completion of the work with the required statement of the actual cost thereof and any additional fee required on

such case is not paid, the builder and owner shall both be deemed to have violated the provisions of this code.

ARTICLE VI. DANGEROUS BUILDINGS

Statutory Cross-Reference: 24 V.S.A. §§ 3113-3117.

SECTION 4.20. "DANGEROUS BUILDINGS" DEFINED

Buildings having the following defects shall be deemed dangerous buildings:

- A. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants of the city;
- B. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- C. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- D. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- E. Those which have parts thereof which are so attached that they may fall and injure members of the public or property; and
- F. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the city.

SECTION 4.21. BUILDING STANDARDS

Unless otherwise expressly stated, all standards to be met shall be those set forth in accordance with the adopted building code. Compliance with all sections of the adopted building code is mandatory.

**SECTION 4.22. INSPECTOR TO CHECK REPORTED DANGEROUS BUILDING;
NOTIFICATION OF OWNER AND OCCUPANTS**

- A. Upon being informed by report or otherwise, that a building is a dangerous building, the building inspector shall inspect the same. If the building is found by him/her to be a dangerous building s/he shall notify in writing the owner, agent and any person having an interest therein to remove it or make it safe and secure commencing within twenty-four (24) hours from the date of the notice. Said repairs shall be completed within a period of time to be specified by the building inspector.
- B. Upon finding a dangerous building the building inspector shall notify, by registered mail, all occupants of the building to vacate the same within fifteen (15) days or have the building secured or made safe.

SECTION 4.23. NOTICE TO NONRESIDENT OWNERS

If an owner, agent or person interested in the property resides out of the state then service upon him/her shall be made in accordance with 24 V.S.A. § 3118 or by first class mail sent to the last known address of record with the city.

SECTION 4.24. REMOVAL OF DANGEROUS BUILDING

A person notified as provided in section 4.22 or 4.23 shall, before 12:00 noon of the day following receipt of the notice, commence to secure or remove such structure. Upon failure of the person so notified to do so the inspector shall immediately enter upon the premises and take such steps as are necessary to secure the building or demolish the building in order to protect the public.

SECTION 4.25. APPOINTMENT OF BOARD TO REVIEW PROPERTY; REPORT OF BOARD

- A. If an owner, agent or interested person of a building deemed to be a dangerous building refuses or neglects to comply with the orders of the building inspector to secure and repair the building, a survey of the property shall be made by a board consisting of the chief of the fire department, the city manager and one (1) disinterested person appointed by the building inspector. A report of such survey shall be made in writing by each member of said board. A copy of the reports shall be sent to all interested parties by registered mail.
- B. If the reports of the board declare the building to be dangerous and if the owner, agent or person interested continues to refuse or neglects to repair and make safe the building as required by the building inspector, the inspector shall cause the building to be taken down or otherwise made safe and the cost and charges incurred shall constitute a lien upon the property and shall be enforced within the time and in the manner provided for the collection of taxes on the land.

SECTION 4.26 APPEAL FROM DECISION OF BOARD

An owner or interested person, who feels aggrieved by the order of the board, may appeal as provided in the case of a person aggrieved by an order of the building inspector in accordance with 24 V.S.A. § 3109.

ARTICLE VII. PENALTIES

- A. Unless otherwise stated, any violation of this chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of the Winooski City Code.
- B. For each day that the owner, occupant or responsible person fails to comply with an order issued under this chapter, they shall be subject to a fine of fifty dollars (\$50.00) per day. Each day's refusal or neglect shall constitute a separate offense for this purpose.
- C. The imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any

premises.

Statutory Cross-Reference: 24 V.S.A. §1974a

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