



ARTICLE I. PURPOSE

The purpose of this ordinance is to provide for the minimum housing requirements for the City of Winooski.

ARTICLE II. TABLE OF CONTENTS

Article I.	Purpose
Article II.	Table of Contents
Article III.	Definitions
	Section 9.01. Short Title
	Section 9.02. Definitions
Article IV.	Administration and Enforcement
	Section 9.03. Administration of Code; Authority of Building Inspector
	Section 9.04. Conflicts
	Section 9.05. Inspection of Dwellings, Dwelling Units, Rooming Units and Premises.
	Section 9.06. Service of Notice of Violations.
	Section 9.07. Refusal to Obey Inspection Order; Survey
	Section 9.08. Order
	Section 9.09. Certificate of Fitness and Maximum Occupancy Load
	Section 9.10. Recording of Orders
	Section 9.11. Declaring Dwellings Unfit for Human Habitation
	Section 9.12. Copy of Order to be Furnished to Grantee
	Section 9.13. Relocation
	Section 9.14. Security Deposits
Article V.	Appeals

Article VI. Minimum Housing Standards and Requirements

- Section 9.15. Conformance to Standards Required
- Section 9.16. Minimum Standards for Basic Equipment and Facilities
- Section 9.17. Minimum Standards for Light, Ventilation and Heating
- Section 9.18. General Requirements Relating to the Safe, and Sanitary Maintenance of Parts of Dwellings and Dwelling Unit
- Section 9.19. Minimum Space, Use and Location Requirements
- Section 9.20. Responsibilities of Owners and Occupants
- Section 9.20.01. Painted Surfaces
- Section 9.21. Authority to Raze Building/Structure

Article VII. Penalties

Statutory Cross-Reference: 24 V.S.A. § 5001 et seq.

ARTICLE III. DEFINITIONS

SECTION 9.01. SHORT TITLE

This chapter may be referred to as the "Winooski Minimum Housing Code."

SECTION 9.02. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this chapter:

Whenever the term "dwelling," "dwelling unit," "rooming unit," "house" or "premises," is used in this chapter, it shall be construed as though followed by the words "or any part thereof."

BASEMENT shall mean a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING INSPECTOR shall mean the legally designated building inspector of the city or his/her designated assistant.

CELLAR shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CERTIFICATE OF FITNESS shall mean the written approval, signed by the code enforcement officer, or duly authorized municipal official, setting forth that the building, structure and premises comply with duly adopted life safety and housing codes. This Certificate of Fitness is required prior to a dwelling unit or a public building being occupied.

CERTIFICATE OF OCCUPANCY shall mean the written approval of the zoning administrator certifying that a newly constructed structure, addition and/or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of municipal by-laws, ordinances and codes adopted under the authority of the City Charter.

CODE ENFORCEMENT OFFICER shall mean the director of code enforcement or duly authorized municipal official.

DWELLING shall mean any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

EXTERMINATION shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Building Inspector and the Vermont Department of Health.

FIRE CHIEF shall mean the legally designated fire chief of the city or his/her designated assistant.

GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or hallways, closets, recreation rooms (but not excluding living rooms), private workshops or hobby rooms and storage spaces.

INFESTATION shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.

OCCUPANT shall mean any person living, sleeping, cooking or eating in or having the actual possession of a dwelling unit or rooming unit.

OPERATOR shall mean any person who has the charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or any duly authorized agent thereof.

PERSON INTERESTED shall mean and include any individual, firm, corporation, association, partnership, company or organization of any type.

PLUMBING shall mean and include all the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PUBLIC BUILDING as defined in Title 20 § 2730 of Vermont Statute Annotated.

RUBBISH shall mean nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SUPPLIED shall mean installed, furnished or provided by the owner or operator at his expense.

TEMPORARY HOUSING shall mean any tent, trailer or similar structure which is used for human shelter.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

SECTION 9.03. ADMINISTRATION OF CODE

It shall be the duty of the code enforcement officer to administer the housing code. Said officer is authorized to inspect all dwelling structures and to order any repairs or additional facilities necessary to meet code standards. He is authorized to condemn dwellings that are unfit for human habitation, and in that situation, the owner of the condemned building must comply with the minimum standards, or cease using the building for dwelling purposes.

SECTION 9.04. CONFLICTS

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the city, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 9.05. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

The code enforcement officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the city, in order that s/he may perform his/her duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Building Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises.

SECTION 9.06. SERVICE OF NOTICE OF VIOLATIONS

Whenever the code enforcement officer determines that there has been a violation of any provision of this chapter, s/he shall give notice of such violation to the owner and occupants of said building by letter sent by registered mail to the last known address of said owner and occupants, and any holder of any recorded interest in said property, listing the defects, the necessary repairs which are to be made and giving the owner a stated period of time to make these repairs. Said notice shall also notify the occupants of the building that it will be necessary for them to vacate the building if the necessary repairs are not made. Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his/her agent or employee, access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant to the provisions of this chapter.

SECTION 9.07. REFUSAL TO OBEY INSPECTION ORDER; SURVEY

When an owner, agent or other person interested in property deemed unfit by an inspection as set forth in sections 9.05 and 9.06, and notified as provided therein, fails, refuses or neglects to comply with the requirements of such order within the time limited, a careful survey of the premises shall be made by a board consisting of the chief of the fire department, the city health officer and one (1) disinterested person to be chosen by the other two (2) board members and who shall be a person knowledgeable in at least one (1) area in which the property is deficient. A report of such survey shall be made by each member of the board to the director of code enforcement and copies of such reports shall be forwarded to the owner and occupants of the building, by registered mail.

SECTION 9.08. ORDER

Upon completion of the survey and sending of the reports, as set forth in section 9.06, the code enforcement officer shall, if such action is indicated as necessary by the survey, order the occupants of said building to vacate the building, and take such other actions as are necessary to bring about compliance with said order.

SECTION 9.09. CERTIFICATE OF OCCUPANCY, FITNESS AND MAXIMUM OCCUPANCY LOAD

- A. All existing rental properties and public buildings as defined under Vermont State Statues will be required to have a "Certificate of Occupancy" issued by the City filed in the land records before it can be occupied once it has become vacant, changed occupants, use and/or ownership.
- B. No new structure or addition can be occupied without first obtaining a "Certificate of Fitness" from the code enforcement officer, or successor, and a "Certificate of Occupancy" from the city zoning administrator.
- C. All existing rental properties and public buildings not having a "Certificate of Fitness" on file in the city land records shall be inspected by the city, upon a vacancy, change of use or ownership, and/or a complaint concerning health and safety issues, from, but not limited to, the occupant, neighbors, landlord or property owner.
- D. A property owner or his/her agent shall notify, during normal working hours the city that a rental dwelling unit and/or a public building vacancy exists and shall schedule an inspection.
- E. The city code enforcement officer, shall inspect for compliance under the adopted Winooski Municipal Code, the specified rental dwelling unit, and/or a public building upon an agreed scheduled time during the normal working hours of the city code enforcement officer unless such agreement and arrangement causes undue hardship upon the property owner or his agent, in which case the agreement and arrangement for the inspection may be mutually agreed upon. Failure to mutually agree upon and arrange for the inspection shall be construed that the property owner or his/her agent has failed to comply with the requirements of this chapter and will be in violation of Winooski Municipal Code.
- F. Upon completion of the inspection, the code enforcement officer shall:

1. Cause an inspection report citing specific violations of this chapter and any other city ordinance to be sent to the last known address of the property owner or his agent.
- G. If an inspection report citing a violation is issued for health, safety, inhabitability or imminent danger, occupancy of the dwelling shall not be permitted until such time as to the issuance of a Certificate of Fitness and maximum occupancy load is issued by the city.
- H. Any aggrieved person shall follow the appeal procedures as outlined in Title 24 § 5005 of Vermont Statutes Annotated.

SECTION 9.10. RECORDING OF ORDERS

Any order provided for in this chapter shall be recorded in the office of the city clerk and indexed as a part of the land records. The order shall thereby be 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 order. The code enforcement officer, upon finding that any order issued under this chapter has been complied with, shall issue forthwith a cancellation of the order. The cancellation shall be seconded in the office of the city clerk and indexed as a part of the land records.

SECTION 9.11. DECLARING DWELLINGS UNFIT FOR HUMAN HABITATION

- A. Whenever any dwellings or dwelling premises are found by the code enforcement officer to be unfit for human habitation because of defects which constitute a serious hazard or immediate peril to the health, safety or welfare of the occupants of the dwelling or the public, the code enforcement officer may:
1. Order the dwelling or dwelling premises to be vacated and secured until such time as s/he determines that the dwelling is again fit for human habitation;
 2. Order the repair, alteration or improvement of the dwelling or dwelling premises except that the owner shall have the right to vacate and secure the dwelling or dwelling premises within seven (7) days after receipt of the order by the owner or the owner's agent; or
 3. Initiate demolition proceedings pursuant to Chapter 83 of Title 24 of the Vermont Statutes Annotated.

SECTION 9.12. COPY OF ORDER TO BE FURNISHED TO GRANTEE

The owner of any dwelling which has been found by the code enforcement officer to be unfit for human habitation shall not sell, transfer, mortgage, lease or otherwise dispose thereof until the owner has furnished the intended grantee, mortgagee or lessee a true copy of the order and has notified the code enforcement officer, in writing, of his/her intent to sell, transfer, mortgage, lease or otherwise dispose of the dwelling, or until the code enforcement officer has found that the conditions causing the dwelling to be unfit for human habitation have been corrected. A transferee, mortgagee or lessee who has received actual notice or constructive notice shall be bound by the order on the date of the transfer, mortgage or lease without service of further notice upon him/her by the city.

SECTION 9.13. RELOCATION

- A. In the event that any person is displaced from a dwelling or dwelling unit by enforcement of this chapter, including, but not limited to any suspension or revocation of certificate pursuant to this chapter unless it is reasonably determined by the enforcing agency that the tenant is responsible for the circumstance(s) that led to the order for relocation, the owner shall be responsible for paying the costs of relocation of the displaced person or persons.
- B. Notice of the displacement and relocation costs shall be given to the owner, or to the agent, administrator or executor of the owner, in the same manner as that provided for service of orders of this chapter.
- C. Costs shall include all reasonable costs of relocation of the displaced person or persons, including, but not limited to, moving expenses, required security deposits, required utility deposits and pro rata portion of any rent paid by the tenant for the month during which the relocation occurs.
- D. If the owner fails to pay the relocation costs within three (3) business days from the date of receipt of the notice of the costs or the date of posting of the costs, whichever is earliest, the city shall pay such costs and the costs and charges incurred shall constitute a lien upon the land upon which the dwelling or dwelling unit is situated, and shall be enforced within the time and in the manner provided for the collection of taxes on land.

SECTION 9.14. [RESERVED.]

ARTICLE V. APPEALS

All appeals will be in accordance with the provisions of Title 24 § 5005 of Vermont Statutes Annotated.

Statutory Cross-Reference: 24 VSA § 5005

ARTICLE VI. MINIMUM HOUSING STANDARDS AND REQUIREMENTS

SECTION 9.15. CONFORMANCE TO STANDARDS REQUIRED

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this article.

SECTION 9.16. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

- A. **COOKING FACILITIES; SINK.** Every dwelling unit shall contain a room or space for a stove or other cooking facilities, space for dry food storage and space for refrigerated food storage, and shall include a kitchen sink installed. The sink shall be in good working condition and properly

connected to a hot and cold running water system under pressure and a sewer system, said sink and systems shall be installed and maintained in a manner prescribed by ordinances, rules and regulations of the city.

- B. **BATHROOM FIXTURES.** Every dwelling unit shall be equipped with a complete bathroom fixture group consisting of a flush water closet, lavatory basin and bathtub or shower in one (1) room in good working condition, and installed and maintained in a manner prescribed by ordinances, rules and regulations of the city. Said fixture group shall be properly connected to an approved sewer system and to an approved hot and cold running water system under pressure, except that the flush water closet shall be connected to an approved sewer system and to an approved cold running water system under pressure. The flush water closet, lavatory basin and bathtub or shower need not be installed in the same room, but said room shall afford privacy to a person within said room.

C. **GARBAGE, RUBBISH AND SANITARY**

1. Facilities

- a. Garbage and rubbish that is placed outside a dwelling or rooming house shall be stored in durable, cleanable, watertight receptacles with properly fitting covers.
- b. The owner of any dwelling or rooming house shall provide and maintain appropriate receptacles for the removal of garbage and rubbish.

2. Collection of Garbage and Rubbish

- a. The owner of any dwelling or rooming house shall assure that arrangements are made for the removal of garbage and rubbish.
- b. Garbage and rubbish shall be removed from dwellings and rooming houses as often as is necessary to maintain a sanitary structure, not less than once every week.

3. Responsibilities

- a. **Owner Responsibilities:** The owner of every dwelling or rooming house shall be responsible for maintaining in a clean and sanitary condition free of garbage or rubbish all common areas as well as any other part of the premises not used as a dwelling space.
- b. **Occupant Responsibilities:** The occupant of every dwelling unit or rooming unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage or rubbish that part of the premises which he or she exclusively occupies.

- D. **WATER HEATERS.** The water heating facilities necessary to provide the hot water required under this chapter shall be properly installed and connected to the hot waterlines required under these subsections; shall be maintained in safe and good working conditions; and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

SECTION 9.17. MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

- A. LIGHTING. Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such, except in kitchens where artificial light may be provided in accordance with the provisions of the basic building code.
- B. VENTILATION. Every habitable room shall have at least one (1) window which can easily be opened, or such other device as will adequately ventilate the room. The total of the operable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum aggregate glass area of the window as required in this section, except where there is supplied some other device affording adequate ventilation and approved by the building inspector.
- C. BATHROOM LIGHTING AND VENTILATION. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in this section, except where the bathroom of the water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the code enforcement officer.
- D. ELECTRICAL SERVICE. Every dwelling unit and all public and common areas shall be supplied with electrical service, which shall be properly installed, shall be maintained in a good and safe working condition and shall be connected to the source of electric power in a manner required by the National Electrical Code.
- E. HEATERS. Shall comply with the current fire and building code as adopted by the Vermont Department of Public Safety.
 - 1. Every central heating unit and/or central hot water heating unit shall comply with the current minimum housing code adopted by the Vermont Department of Health.
- F. SCREENING. Screening will be provided to meet the minimum housing code adopted by the Vermont Department of Health.
- G. SCREENING OF BASEMENT OR CELLAR WINDOWS. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide entry for rodents or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance.

SECTION 9.18. GENERAL REQUIREMENTS RELATING TO SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

- A. FOUNDATIONS, WALLS, ETC. Every foundation, floor, wall, ceiling and roof shall be reasonably weather tight, watertight and rodent proof, shall be capable of affording privacy and shall be kept in good repair.
- B. WINDOWS, DOORS, ETC. Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof, and shall be kept in sound working condition and good repair.

- C. **GENERAL MAINTENANCE REQUIREMENTS.** Every dwelling unit, auxiliary building and every appurtenance to said dwelling unit or auxiliary building shall be maintained and kept in sound condition and good repair.
- D. **PLUMBING FIXTURES AND PIPES.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a good sanitary working condition, free from defects, leaks and obstructions in accordance with the current minimum housing code adopted by the Vermont Department of Health.
- E. **BATHROOM AND KITCHEN NON-ABSORBENT SURFACES.** The floor and counter surfaces of every bathroom and kitchen in dwelling units and rooming houses shall be constructed and maintained to be a smooth, non-corrosive, non-absorbent and waterproof covering. This shall not prohibit the use of wood for floors in kitchens but must have a water resistant finish and have no cracks to allow the accumulation of dirt and food, or the harborage of insects.
- F. **DRAINAGE OF RAINWATER.** All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, bathroom or water closet compartment.
- G. **EQUIPMENT TO BE MAINTAINED.** Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in a satisfactory working condition.
- H. **SERVICES NOT TO BE CUT OFF.** No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the city. The building owner will be responsible for continuing any service required by this chapter.
- I. **LETTING, UNCLEAN, UNSANITARY PLACES PROHIBITED.** No owner shall occupy or let to any other occupant, any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

SECTION 9.19. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

- A. **FLOOR SPACE IN SLEEPING AREAS.** Every room occupied for sleeping purposes shall contain the following usable floor space:
 1. Each room occupied for sleeping purposes must have a minimum of 70 square feet, with an additional 50 square feet each occupant in excess of two. If the occupancy of any room or dwelling unit exceeds the minimum square footage requirements, the Code Official may order the number of persons sleeping or living in said room or dwelling unit to be reduced.
 2. Additional sleeping areas that meet the minimum of 70 square feet shall be allowable if approved by the Code Enforcement Officer. Any such approval shall be limited to one (1) additional approved sleeping area, not to exceed two (2) additional people and be limited to persons who have lease rights in the premises. All other life safety and minimum housing regulations apply.

- B. **CEILING HEIGHT.** The ceiling height in any room shall not be less than seven and one-half (7 1/2) feet.
- C. **USE OF CELLAR SPACE.** No cellar space shall be used as a habitable room or dwelling unit unless it conforms to established life safety requirements.
- D. **FLOOR SPACE.** Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area.

SECTION 9.20. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- A. The following responsibilities of owners and occupants are in addition to those specified elsewhere throughout this chapter:
 1. Every owner of a public building as defined shall be responsible for maintaining in a clean and sanitary condition the shared or common area of the dwelling and premises thereof.
 2. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which s/he occupies and controls.
 3. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 9.16(C).
 4. Every occupant of a dwelling or dwelling unit shall comply with current Chittenden County Solid Waste ordinances and Universal Recycling Law for the State of Vermont.
 5. Every owner or agent of any building containing any dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests whenever any such infestation exists. The owner shall ensure that any infestation is professionally exterminated and that every effort is made to limit reinfestation.
 6. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 7. Every owner of a public building and/or rental dwelling unit shall be ultimately responsible for the removal or disposal of accumulated rubbish, garbage or organic wastes left or accumulated on the premises after reasonable notice to the owner that the condition exists by the code enforcement officer. In the event of an owner's failure to comply with the order of the code enforcement officer, to remove or dispose of accumulated rubbish, garbage or organic wastes, the city may abate or remove the accumulation and charge the costs of said removal to the owner of the premises. Nothing in this section is to prohibit tenants from making their own arrangements to provide rubbish and garbage removal nor to prohibit the landlord from charging tenants for the removal of such materials if that arrangement is made between the parties.

SECTION 9.20.01. PAINTED SURFACES

- A. In non-rental housing, no person shall disturb more than one (1) square foot of lead-based paint by failing to use one (1) or more of the following lead-safe work practices:
 - 1. Limiting access to interior and exterior work areas;
 - 2. Enclosing interior work areas with plastic sheathing or other effective lead dust barrier;
 - 3. Using protective clothing;
 - 4. Misting painted surfaces before disturbing paint;
 - 5. Wetting paint debris before sweeping to limit dust creation; and
 - 6. Any other measure required by the city or the Vermont Department of Health.
- B. The owner(s) of any rental/public building shall comply with all lead abatement requirements of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, as amended or replaced, and the regulations of the Vermont Department of Health.
- C. If a violation of this section is found, the code enforcement officer shall issue an order to cease and desist the prohibited practice, remove all visible paint chips and clean the affected area using the safe cleaning methods approved by the Vermont Department of Health.

SECTION 9.21. AUTHORITY TO RAZE BUILDING/STRUCTURE

Any building left in an extended state of gross disrepair and abandonment (more than ninety days) may be torn down by the city at a cost to the owner. In the event of a fire or other natural catastrophe, this ordinance may be waived for a period of up to one hundred eighty (180) days.

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 VSA § 1974 a.

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