

Dilapidated Building Ordinance
Town of Corinth, Vermont
Amended February 6, 2024

I. Statutory Authority

This ordinance is adopted by the Selectboard of the Town of Corinth under authority granted in 24 V.S.A. §§2291 (13), (14), and (15) and 24 V.S.A. Chapter 59.

II. Purpose

The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from dilapidated or vacant buildings and structures in the Town of Corinth.

III. Definitions

DILAPIDATED BUILDING. Any building or structure or part thereof that, whether occupied or vacant, for the lack of proper maintenance, repair, or sanitation, or by reason of abandonment or damage by fire or elements, is hazardous to the health or safety of the public, or presents a threat of damage to other buildings or property. Without limiting the generality of the foregoing, a building may be determined to be hazardous or dilapidated:

- A. If it has deteriorated from deferred maintenance and neglect or has been damaged by fire, flood, wind, weather, impact or other event so that its structural integrity or security from unauthorized entry is impaired and the owner has not promptly commenced and pursued resolution of the offending condition;
- B. If it is not reasonably secured against unauthorized entry by trespassers and vagrants and there is evidence, or have been reports, of such entry and use by unauthorized persons, or by animals which are not domestic pets of the property owner or other legal occupant;
- C. If raw sewage or fecal matter (animal or human) is present in or around the building not being disposed of in a properly functioning on-site wastewater system or municipal sewer, thus causing a hazard to human health;
- D. If flammable liquid or substances, or hazardous or toxic materials of any description are or have been unsafely or unlawfully stored, spilled, released or discharged on, in, under or around any such building, without required reporting and taking prompt and prudent action to mitigate, clean-up and remediate such condition.

BUILDING SAFETY OFFICER. The officer appointed by the Corinth Selectboard to enforce this ordinance. The Building Safety Officer may hold any other office in the Town of Corinth. Nothing in this ordinance shall prevent the Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce.

DEPUTY SAFETY OFFICER. The officer appointed by the Corinth Selectboard to enforce this ordinance when the Building Safety Officer is not available. The Deputy Building Safety Officer may hold any other office in the Town of Corinth. Nothing in this ordinance shall prevent the Deputy Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce.

IV. Abatement of Dilapidated Buildings

A. Building Safety Inspection. Upon receiving information that any building or structure in the Town of Corinth may be a Dilapidated Building, the Building Safety Officer shall inspect the building or structure.

(1) Written notice of intent to conduct an inspection shall be given to the property owner and any creditors of record at least forty-eight (48) hours prior to inspection. The notice in Attachment A shall be used and amended as needed. Notice to the property owner shall be deemed to be notice to any tenant or occupant of the building. It shall be the obligation of the property owner to give notice of the pending inspection to any such tenant or occupant. The written notice shall be effectively given:

- a. At the time of delivery if hand-delivered;
- b. Three (3) business days after deposit in U.S. Mail by certified mail, return receipt requested, postage pre-paid, to the address used for mailing the Town property tax bill for the subject property;
- c. Twenty four (24) hours after successful transmission by facsimile if a fax number is available for the property owner; or
- d. If given by e-mail, (if an e-mail address is available for the property owner) and proof that the e-mail has been opened by the addressee is available and retained.
- e. If in addition to any of the above, notice shall be effectively given if the inspection notice is physically attached (a "tack notice," so-called) to the building where the inspection is proposed to occur.

(2) If the Building Safety Officer has reason to believe that an emergency situation exists which poses an imminent danger to the health or safety of the public, s/he shall document the information the decision is based on and no notification shall be necessary prior to inspection.

(3) If the property owner objects to or prohibits an inspection, the Building Safety Officer may seek a search warrant from the Vermont District Court for the purpose of conducting the inspection. No response to the written notice after service pursuant to Section IV (1) shall be deemed consent.

The Building Safety Officer may retain, with Selectboard approval, such law enforcement officials, fire officials, engineers and other qualified experts as necessary to assist with a building safety inspection and/or the preparation of a Building Safety Order (sometimes referred to as the "Order"). The property owner shall reimburse the Town for any expense incurred by the Town of Corinth in the hiring of these experts to assist with the building safety inspection where it is determined that the building is a Dilapidated Building, and/or in the preparation of a Building Safety Order.

B. Building Safety Order. If, upon inspection, the Building Safety Officer determines that

a building or structure is a Dilapidated Building, the Building Safety Officer shall issue a Building Safety Order using the form in Attachment B. The Building Safety Order shall:

(1) Identify the property owner's name and mailing address, and physical location of the property.

(2) Identify the hazardous conditions that cause the building or structure to be a Dilapidated Building and set forth the basis for the conclusion that the building or structure is a Dilapidated Building.

(3) Identify the actions that must be taken by the property owner at owner's expense to secure the Dilapidated Building and abate the hazardous condition(s).

(4) Identify the dates by which the actions to secure the Dilapidated Building and abate the hazardous conditions must be completed.

(5) Advise the property owner that failure to comply with the terms of the Building Safety Order may result in fines and other monetary liability, and the pursuit of injunctive relief by the Town of Corinth. The Order will also state the date of the next regularly scheduled Selectboard meeting after the date set in the Order for compliance (see 4 above), at which meeting the Building Safety Officer will appear and the Selectboard will set the applicable fine for noncompliance with the Order.

(6) Outline the property owner's right to appeal the Building Safety Order to the Corinth Selectboard.

The Building Safety Officer shall serve the Building Safety Order on the property owner as follows:

1. By delivering the Order to the property owner personally, or
2. By mailing the Order to the property owner, certified mail, return receipt requested, at the address used for mailing the Town property tax bill for the subject property. Proof of mailing shall be proof of receipt.

The Building Safety Officer shall deliver a copy of the Order to the Selectboard within 5 days of the date and method of service of the Order.

C. Right to Appeal. A property owner aggrieved by the issuance of a Building Safety Order may appeal such Order to the Corinth Selectboard within 30 days of the date of the Order. The notice of appeal must be in writing and must include the name and address of the appellant, the physical location of the property that is the subject of the Order, a brief description of the property, and a description of why the Order is not proper. Attachment B, the form of Order, has an appeal form attached. The form is acceptable as a notice of appeal when completed by the property owner or the owner's representative on a legible copy of the Order, signed, and filed within 30 days of the date of the Order at the Town Clerk's office.

The property owner shall deliver the appeal to the Town Clerk's office.

D. Selectboard Hearing. Within 30 days of the receipt of an appeal of a Building Safety Order, or at its next regularly scheduled meeting that is duly warned within 30 days, whichever comes first, the Corinth Selectboard shall hold a Public Hearing to consider the appeal. The Selectboard shall issue a written decision within 15 days of the close of the Public Hearing. The decision shall uphold or overturn the Building Safety Order in whole or in part and may contain additional requirements or modifications to the Order as the Selectboard deems necessary to implement the purpose of this Ordinance.

V. Penalty and Enforcement.

A. Jurisdiction. If the property owner fails to comply with a Building Safety Order, the property owner shall be in violation of the Order and this Ordinance. The violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in Superior Court as applicable under 24 V.S.A. 1974a.

B. Penalty. The penalty for violation of this civil ordinance shall be a fine of \$300 and a fine of **up to** \$100 per day for every day after the date in the order specifying when the abatement of all hazardous conditions must be completed that the property owner is not in compliance with the Order. One time and accrued fines become due upon non-compliance with date set for compliance in the Order, but are suspended if a notice of appeal is timely filed until the Selectboard’s decision on appeal. In determining the amount of any daily fine, the Selectboard’s discretion shall be guided by consideration the following, non-exclusive, factors: (1) actual or potential impact on public health, safety, and welfare resulting from the hazardous condition, (2) whether the property owner knew or had reason to know the hazardous condition existed, (3) the property owner’s record of compliance, and (4) proper level of fines as a deterrent.

C. Enforcement. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of the enforcement order in the Judicial Bureau, the Building Safety Officer shall be the designated enforcement officer. The Building Safety officer shall issue tickets and may be the appearing officer at any hearing.

(1) Either in lieu of or in addition to any fine, the Town of Corinth may request a restitution remedy for all costs and expenses incurred in the course of inspection or issuance and enforcement of any Order, including reasonable attorney's fees.

(2) Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. Along with any other penalty for violation, the Town of Corinth may pursue all appropriate injunctive relief, and seek reimbursement for all costs and expenses incurred in the course of inspection or issuance and enforcement of any Order, including reasonable attorney's fees.

VI. 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.

VII. Effective Date

This chapter shall take effect 60 days following adoption by the Selectboard, on April 7, 2024, unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24V.S.A. § 1973.

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Amended February 6, 2024

Corinth Selectboard

ATTACHMENT A

**NOTICE OF INTENT TO CONDUCT
BUILDING SAFETY INSPECTION**

Town of Corinth, Vermont

To:
CC:
From:
Date:

Pursuant to information available to the Town, it is believed that your building/structure located at _____ may be a Dilapidated Building defined in the Dilapidated Building Ordinance of the Town of Corinth as “Any building or structure or part thereof that, whether occupied or vacant, for the lack of proper maintenance, repair, or sanitation, or by reason of abandonment or damage by fire or elements, is hazardous to the health or safety of the public, or presents a threat of damage to other buildings or property, or is otherwise unsuitable for its permitted use.”

Therefore, I have scheduled an inspection of your property on _____ at _____ a.m./p.m.

I may be accompanied by other Corinth Officials, State of Vermont Official and/or professionals deemed necessary to assist me with the inspection.

Please call me at _____ to confirm whether you will be present at the inspection. If you object to or prohibit an inspection, I may seek a search warrant for the purpose of conducting the inspection. Failure to respond to this notice will be deemed consent.

ATTACHMENT B

TOWN OF CORINTH BUILDING SAFETY ORDER

(The Dilapidated Building Ordinance is available at www.corinthvt.org)

1. PROPERTY SUBJECT TO ORDER

a. Name of owner(s):

b. Mailing address of owner(s):

c. Owner(s) phone number/email address:

d. Physical location of property:

2. DESCRIPTION OF EACH HAZARDOUS CONDITION AND BASIS FOR THE CONCLUSION THAT THIS IS A DILAPIDATED BUILDING:

a. _____

b. _____

3. ABATEMENT ORDER FOR EACH HAZARDOUS CONDITION IDENTIFIED ABOVE:

a. _____

b. _____

_____ (Use the other side if additional space is needed)

4. DATE BY WHICH ALL ABATEMENT OF ALL HAZARDOUS CONDITIONS MUST BE COMPLETED: _____

5. DATE OF MEETING AT WHICH THE SELECTBOARD WILL CONSIDER FINES FOR NON-COMPLIANCE, IF ANY: _____.

IF YOU DO NOT COMPLY WITH THIS BUILDING SAFETY ORDER:

1. The Town can impose a fine of \$300. The Town can also impose a fine of up to \$100 per day for every day after the date in Section 4 of this order (specifying when the abatement of all hazardous conditions must be completed), that you are not in compliance with the order.
2. The Town can also seek other monetary and injunctive relief in Court.

PROPERTY OWNERS’ RIGHT TO APPEAL THIS DECISION

You have the right to appeal the Building Safety Order to the Selectboard if you believe it is unfair or incorrect for any reason.

1. To appeal you **must** file a Notice of Appeal within 30 days of the date of this order by delivering the Notice to the Town Clerk’s Office.
2. The Notice of Appeal **must** be in writing and signed by the owner of the property. It should state why you disagree with the order. A copy of the order **must** be included with your Notice.

If you file a timely Notice of Appeal:

1. The Selectboard must schedule a public hearing within 30 days of your Notice being received.
2. At the public hearing:
 - a. You can be present.
 - b. You can have a lawyer represent you.
 - c. You can present evidence and testimony from witnesses.
 - d. You can ask questions of the Building Safety Officer and any other witness testifying at the hearing.
 - e. You can argue your case.
3. The Selectboard must issue a written decision within 15 days of the close of the Public Hearing upholding, overturning, or modifying the Building Safety Order.

_____ / _____
 DATE BUILDING SAFETY OFFICER print name

METHOD OF SERVICE OF ORDER: _____

NOTICE OF APPEAL FORM
FOR COMPLETION BY THE PROPERTY OWNER FOR APPEAL

A legible copy of the Order may be used for appeal by completing the form below with the property owner’s original signature when the completed appeal form is filed

with the town clerk within 30 days of the date of the Order. Note that the property owner or the owner's representative must appear before the Corinth Selectboard at a hearing on the appeal. You will be sent a notice of the Selectboard's public meeting to consider the appeal. You may provide a description of why the Order is not proper on attached pages.

Date: _____

Signature of Property Owner: _____

Printed Name of Property Owner:

Mailing Address of Property Owner:

Name and address of Attorney if Any:

- ----- **For Completion by Town Clerk** -----

Date Appeal Received:

Was date received within 30 days?

Clerk Receiving Notice of Appeal: _____

Copy of Notice has been sent by Email to:

Building Safety Officer

Planning Commission

Selectboard

Selectboard Administrative Assistant

Date set for appeal hearing (with notice of hearing in the warning and sent to the parties):