

Chapter 8

HEALTH, SANITATION AND FIRE SAFETY INSPECTIONS

Article One – Nuisances

Article Two – Fire Safety Inspections

ARTICLE ONE

Sec. 8-1. Nuisances generally.

Whatever is dangerous to human life or health, and whatever renders soil, food, water and drink unwholesome, are declared to be nuisances.

Sec. 8-2. Emission or discharge of pollutants restricted.

No person shall cause, permit, suffer or allow the emission or discharge of dense smoke, noxious fumes, gas, soot or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

Sec. 8-3. Unsanitary use of property.

It shall be unlawful for any person to allow his or her property to become a public nuisance:

1. the physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. any physical condition or occupancy of any premises considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences and structures;
3. any premises that has unsanitary sewage or plumbing facilities;
4. any premises designated as unsafe for human habitation;
5. any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. any premises from which plumbing, heating or other facilities required by this code have been removed or disconnected, destroyed or rendered ineffective; or the required precautions against trespassers have not been provided;
7. any premise that is unsanitary, or that is littered with rubbish or garbage;
8. any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent

so as to not provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

Sec. 8-4. Ponds and pools of stagnant water prohibited.

REPEALED.

Sec. 8-5. Penalty.

The administrative officer, and the Director of Public Works, and all law enforcement officials are authorized to enforce the provisions of this section. A violation of this Section is punishable by a civil penalty of One Hundred (\$100.00) Dollars for a first offense. The waiver penalty for such first offense is Fifty (\$50.00) Dollars. Each subsequent violation shall be subject to a civil penalty of Two Hundred (\$200.00); the waiver fee is One Hundred (\$100.00) Dollars. For the purposes of this Chapter, each day shall constitute a separate offense. An enforcement action may be brought by any authorized official through the Judicial Bureau.

Sec. 8-6. through 8-14. RESERVED

ARTICLE TWO

Sec. 8-15. Fire Hazard Inspector.

The fire hazard inspector (hereinafter “inspector”) is the fire chief of the town or his designated representative.

Sec. 8-16. Duties in Connection with Prevention of Fires.

The fire department shall inspect potential fire hazards, require abatement of fire hazards, and investigate the cause, origin and circumstances of fires. The fire department shall enforce all laws and regulations regarding:

- (1) control and use of explosives and flammables;
- (2) maintenance of fire escapes;
- (3) maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;
- (4) control of the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters and all other places in which numbers of persons work, meet, live or congregate;
- (5) educational fire prevention programs.

Sec. 8-17. Right to Enter for Inspection.

The inspector shall have the right and authority to enter any public building, structure or premises within the town for the purpose of making inspections or investigations at all

reasonable hours; provided that except in case of emergency, the right and authority conferred by this section shall not apply to the entry of a private residence unless written notice is served on the occupant thereof. Such written notice shall contain a statement of the time that inspection will be made and shall also contain a statement of the purpose of such inspection or investigation.

Sec. 8-18. Scope of inspection authorized.

The inspection and examination authorized by Section 8-17 shall be for the purpose of reporting to the State the following fire hazards pertaining to buildings and the occupants:

- (1) disrepair;
- (2) age and dilapidated condition;
- (3) faulty or unapproved construction;
- (4) inadequate fire escapes or lack of means of egress;
- (5) inadequate fire alarm protection;
- (6) inadequate fire extinguishing equipment;
- (7) materials and buildings especially susceptible to fire;
- (8) conditions endangering other property or occupants;
- (9) any other fire hazards dangerous to life or property.

Sec. 8-19. Cooperative Municipal Inspection Agreements.

Pursuant to Title 20, Vermont Statutes Annotated, Chapter 173, Section 2736, the Brattleboro Fire Chief is and shall be authorized to negotiate such Cooperative Municipal Inspection Agreements between the Department of Public Safety, Fire Safety Division and the Town, as the Fire Chief deems appropriate, taking into consideration the fire department's staffing levels, training and abilities. No such agreement shall be entered without the recommendation of the Fire Chief. Such agreements may include, but are not limited to the following:

- * Responsibility for the enforcement of fire and building safety codes and any recognized safety codes adopted by the State of Vermont for all existing public buildings except federally certified health care facilities, high-rise buildings, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.
- * Inspections of multiple family dwellings when there is a pending sale.
- * Annual inspection of independent residential schools.

A copy of such proposed agreement shall be provided to the Town Manager, the Selectboard and the Director of Finance not fewer than fourteen (14) calendar days prior to execution for comment. The Selectboard shall have the final authority to execute the agreement, but may authorize the Fire Chief or Town Manager to sign on the Town's behalf.

Sec. 8-20. Inspection Reports.

Following an inspection performed under this Chapter, the inspector shall make available a written report to the property owner within ten (10) business days.

Sec. 8-21. Inspection Fees.

The fees for performing inspections pursuant to this ordinance shall be set either by the Cooperative Municipal Inspection Agreement or if such agreement does not establish the fees, then reasonable fees shall be set by the Selectboard pursuant to 20 V.S.A. §2736(b). A schedule of the current fees shall be made available for review at the Fire Department at any time during normal business hours. Payment of the fees for performing inspections shall be due within thirty (30) days of the date of invoice, and interest shall accrue at the statutory rate beginning the thirty first (31st) day.

Sec. 8-22. Invoices for Inspection Fees.

The fees for any inspections performed pursuant to this ordinance shall be invoiced according to town policy. The following information shall be included on the invoice: the date(s) on which services were provided by the Brattleboro Fire Department, the type of inspection under this article that is serving as the basis for the invoice, an explanation of the services provided, and the cost of the services provided.