

Chapter 8

**HEALTH, SANITATION, ~~AND~~ FIRE SAFETY INSPECTIONS,
AND RENTAL HOUSING**

*Revised after
October 6
Selectboard
Meeting*

Article One – Nuisances

Article Two – Fire Safety Inspections

Article Three – Rental Housing Code

Article Four – Rental Housing Inspections

Article Five – Rental Housing Security Deposits

ARTICLE ONE – NUISANCES

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;

Sec. 8-57. Building Inspection.

Upon receiving information that any apartment building or other leased residential dwelling unit is in violation of the specifications of this Ordinance, is in violation of the Vermont Rental Housing Code, or is otherwise in such unsafe condition that the public safety is endangered, the Town Health Officer shall cause the building, structure or property to be inspected. Notwithstanding the previous sentence, the Town Health Officer shall cause all public buildings and apartment buildings and any leased residential dwelling units to be inspected once every four years as set forth above.

Sec. 8-58. Repeal of Prior Conflicting Ordinances.

The enactment of this Ordinance shall repeal all other ordinances of the Town of Brattleboro that are in direct conflict with the terms and regulations contained herein. This article shall be in addition to Article III, Chapter 8 of the Brattleboro Town Ordinances.

Sec. 8-59. 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.

Sec. 8-60. Effective Date.

This Ordinance shall become effective upon its adoption by the Town Selectboard of the Town of Brattleboro in accordance with 24A V.S.A. Ch. 107, § 4.6.

Sec. 8-61 – 70. RESERVED.**ARTICLE FIVE - RENTAL HOUSING SECURITY DEPOSITS****Sec. 8-71. Authority.**

This Ordinance is adopted by the Town of Brattleboro under authority granted in 24A V.S.A. Ch. 107, §§ 4.6(4), 4.6(15), 4.6(25) and 4.6(27); 24 V.S.A. §§ 2291(13), (14), and (15), 24 V.S.A. § 2121, 24 V.S.A. Chapter 59, and 9 V.S.A. § 4461(g).

Sec. 8-72. Statement of Findings and Purpose.

(1) The Brattleboro Selectboard finds that: (A) 50% of Brattleboro residents are renters, and (B) access to affordable housing is an obstacle facing renters in Brattleboro. When someone inevitably has to move out of their apartment, the often insurmountable challenge of immediately producing the equivalent of 3 months' rent to secure a new residence is one of many factors that keep people chronically unsheltered.

Sec. 8-73. Security Deposits.

(1) No other payments or deposits beyond the first month's rental payment and the deposit described in this section may be required as a condition of rental, lease or occupancy of a rental unit as a dwelling.

(2) An owner may require a reasonable deposit as a condition for the rental, lease or occupancy of a rental unit as a dwelling as security against damage beyond normal wear and tear to the premises which is attributable to the tenant, against nonpayment of rent, against nonpayment of utility or other charges which the tenant is required to pay directly to the landlord or to a utility, and against expenses required to remove from the rental unit articles abandoned by the tenant. This security deposit may not exceed the amount of one month's rent for the unit rented and shall accumulate interest with an interest rate at least equivalent to a current Vermont bank passbook savings account. This deposit shall not be used by the tenant as the last month's rent unless otherwise specified in a written lease agreement between the parties.

(3) An owner may require an additional payment equal to one-half (1/2) the amount of one month's rent as a condition for allowing the occupants to have a pet during the rental, lease or occupancy of a rental unit as a dwelling. Such additional payment may not be charged for any animal that mitigates a disability.

Sec. 8-74. 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.

Sec. 8-75. Effective Date.

This Ordinance shall become effective upon its adoption by the Selectboard of the Town of Brattleboro in accordance with 24A V.S.A. Ch. 107, § 4.6.

Sec. 8-76. Appeals.

Tenants aggrieved by a violation of the Security Deposit limitation shall have the right to appeal to the Brattleboro Housing Board of Review, which Board shall have the right to adjudicate such appeals in accordance with the powers outlined in 24 V.S.A. §§ 5001-5008.

Sec. 8-77. Housing Board of Review.

Pursuant to 24 V.S.A. § 5005, there is hereby established a Housing Board of Review for the Town of Brattleboro. The Board shall consist of five members who shall be appointed by the Selectboard. The members of the Board shall be composed of two landlords, two tenants/renters, and one homeowner. Each member shall be appointed for a term of three years. A board member may be re-appointed after their term expires.

Sec. 8-78. Powers

The Housing Board of Review shall follow the procedures and shall have the powers set forth in 24 V.S.A. § 5005, as may be amended from time to time. In addition, the Housing Board of Review shall have the authority to hear and decide appeals regarding disputes over rental housing security deposits as set forth in 9 V.S.A. § 4461(g).