

TOWN OF SPRINGFIELD
ORDINANCE 2013-1

SHORT TITLE: An ordinance to amend the Administrative Code;
Chapter 6. Fire Prevention and Protection
Chapter Name Change
Article III. Rental Registry and Inspections
Section 6-56 to 6-69

CATEGORY: New Legislation

- PROCEDURE:
- 1) Introduction-First Review: Read and amended at regular Select Board meeting on March 25, 2013 and entered in the minutes of that meeting which were approved on March 25, 2013.
 - 2) Second Review and Public Hearing: April 22, 2013 [No less than 14 days or more than 28 days from First Review.]
 - 3) Additional Second Review and Public Hearing: if necessary: May 13, 2013.
 - 4) Notice of Hearing posted in public places on _____ and published on _____ (no less than 7 days before Hearing) in the Springfield Reporter.
 - 5) Date of adoption _____ .
 - 6) Other actions.

AUTHORITY: This ordinance is adopted by the Select Board of the Town of Springfield under authority of Vt. Statutes, 1971 Title 24 Sec.1984, Springfield Charter Art. One, §V.

PURPOSE: It is the purpose of this ordinance to amend and restate Chapter 6, Article III of the Springfield Code concerning fire prevention and protection and specifically as relates to inspections of rental properties and other property within the Town of Springfield by establishing a Rental Registry containing up-to-date information concerning the configuration of rental properties to assist fire fighters in protecting themselves, the inhabitants and private property in the event of fire and further to provide for other inspections for fire prevention and control purposes.

Approved as to form: _____
And as revised on: _____

Stephen S. Ankuda, Esquire
Town Attorney

ARTICLE III
RENTAL REGISTRY AND INSPECTIONS

Section 6-56 Rental Registry Required

Fire Safety and Prevention defines buildings in which people rent accommodations, whether overnight or for a longer period of time, as a public building (Vt. Statutes, Title 20 Chapter 173, Sec. 2730(a). The Town of Springfield Board of Health, Health Officer, and the Planning and Zoning Administrator ("Administrative Officer") are responsible for ensuring that all public buildings in the Town of Springfield are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants. The Vermont Department of Public Safety, Division of Fire Safety maintains Building and Life Safety Code Enforcement to the State of Vermont, adopted codes & standards. The Town through statutory responsibility (Vt. Statute, Title 18 , Chapter 3) investigates and enforces the State Department of Health "Town Health Handbook" as well as related ordinances adopted by the Town. **All rental property owners shall file a yearly Landlord Registry Application** with the Administrative Officer identifying their rental residential dwelling units for each building in the Town of Springfield. Additionally, all property owners will ensure that **each rental residential dwelling is issued a Certificate of Fitness at a minimum of every 5 years.**

Section 6-57 Administration

Administration and enforcement is the responsibility of the Administrative Officer. Enforcement will be provided by the Administrative Officer, the Springfield Board of Health, Health Officer, the Springfield Deputy Health Officer, the Springfield Fire Chief and other individuals authorized to perform inspections or enforcement by the Town of Springfield Select Board. Same shall hereby be known as the Code Officials, the Enforcement Officer and the Planning and Zoning Department.

- (a) All records, including inspection reports, records of complaints received and investigated, and plans for inspections of rental units shall be available for public inspection.

Section 6-58 Registry Information Required

- (a) Rental Property owners must provide the following information to the Planning and Zoning Department:
 - (1) The address of the property.
 - (2) The number of rental units at that address.
 - (3) The mailing address of each dwelling unit.
 - (4) The number of bedrooms.
 - (5) The name, address and phone number of the property owner, corporation, or registered corporate agent.
 - (6) The name, address and phone number of any managing agent.
 - (7) The name, address and phone number of a local emergency contact located in Windsor/Windham County and/or a designated person in the state responsible for services on the property.

- (b) Upon purchase or transfer of each property containing one or more rental units, the purchaser shall file a new landlord registration application.
- (c) Prior to occupancy of any newly constructed rental unit or any conversion of the use to a rental unit, the owner shall file an application for landlord registration with the enforcement department.
- (d) It shall be a violation of the Town Code for an owner of any rental dwelling unit within the Town to fail to register as required by this section.
- (e) Property owners shall have a continuing obligation to notify the Planning and Zoning Department of any changes in the information required above during the periods between filings of the landlord registration application.

Section 6-59 Inspection Requirements

Periodic inspections shall occur of all rental units within the Town, motel rooms, or any other accommodation for overnight stay, which are regularly let to the same tenant(s) for a period in excess of thirty (30) days, which includes condominiums and any other Public Building as defined under Vt. Statutes, Title 20 Sec. 2730(a). A certified Fire Inspector 1, or other inspector approved by the Vermont Department of Public Safety per State Regulations, will conduct the inspection of public buildings and all rental dwelling units in matters of building, life safety and fire code inspections (see other). Rental Health code inspections shall be conducted by the Town Health Officer, Deputy Health Officer or designate.

Excluded from periodic inspection:

- (a) Public Buildings owned by a government agency that conducts annual inspections under the HUD Program.
- (b) Buildings owned by nonprofit organizations under housing requirements and inspected by another government authority.
- (c) Buildings owned by individuals, corporations, partnerships or organizations that are subject to inspections by another government authority.

Note: All buildings that are nonprofit organizations that are excluded from this program shall provide an inspection report, which has been performed by a Certified Fire Inspector I or equivalent to the Administrative Officer for approval. The issuance of a "Certificate of Compliance" for these structures and such documents shall be recorded in the Town Land Records.

Sec. 6-60 Components Needed to Receive a Town Issued Certificate of Fitness

- (a) Inspection and Certificate of inspection or like document as required and issued by the Vermont Division of Fire Safety.
- (b) A Rental Housing Inspection Checklist signed by the Town Health Officer, Deputy Health Officer or their designate stating compliance has been met.

- (c) Obtaining a Zoning Certificate of Occupancy, if otherwise required, is the final requirement of the Town of Springfield Certificate of Fitness. The Certificate of Occupancy verifies that the entire property meets all codes, zoning conditions, ordinances, and permit requirements. No building shall be occupied or used, in whole or in part, for any purpose whatever, until a Certificate of Occupancy has been issued by the Zoning Administrator and a copy is filed in the Town of Springfield Land Records. Springfield Zoning Regulations, Certificate of Occupancy, Article 6, Sec. 6.0, Sub. Sec. (G).
- (d) Each component of the **Certificate of Fitness** holds its own statutory rules, regulations, and penalties. The Certificate of Fitness is documented proof that the property has met all requirements, codes and standards and is fit to be occupied as a public building in the Town of Springfield.

Sec. 6-61 Violation

It shall be a violation of the Springfield Rental Registry Code for an owner of a rental dwelling unit within the town that is subject to inspections pursuant to this chapter to rent or allow any person to occupy any dwelling or dwelling unit without a Certificate of Fitness.

Note: Certificates of Occupancy, as described in Article 6, Sec. 6.0, Sub. Sec. (G) of the Springfield Zoning Regulations, will not be issued by the Administrative Officer for public buildings without current Landlord Registry Applications and a current Certificate of Fitness on file in the Land Records.

Sec. 6-62 Registry Fees

Annual registration of rental properties holds no fee. A Certificate of Fitness is mandated within five years and must be re-established every five years or as defined in Sec 6-58 (b) & (c). A processing fee in the amount set by the Board of Selectmen, which may be amended from time to time by the Board, is required at the time of issue of the Certificate of Fitness.

Sec. 6-63 Issuance of a Conditional Certificate

The Administration Officer may issue a Conditional Certificate of Fitness on initial registration of the rental property(ies) until the property is inspected and whenever the Springfield Health Officer, the Deputy Health Officer or his or her designees is unable to inspect a rental dwelling unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

Section 6-64 Reserved

Sec. 6-65 Other inspections performed by fire chief or designee.

- (a) The fire chief or its designee may inspect any building within the town whenever, in the chief's judgment, an inspection is required as a matter of public safety in performance of the chief's assigned duties or for the purpose of determining if a fire hazard affecting the public safety exists and this may be done upon its own motion.

- (b) The fire chief or its designee shall inspect any particular premises at any time upon the written request of two (2) or more discreet and trustworthy persons stating that such inspection is believed to be in the public good and for the public safety. (Ord. of 6-8-55, §§ 5, 11)

Sec. 6-66 Right of entry.

It is unlawful for the owner or occupant of any building to refuse to allow the fire chief or his designee to examine his premises with references to the public safety or for a fire hazard if such refusal shall continue for five (5) days after a notice in writing to such owner or occupant shall be given by the chief. (Ord. of 6-8-55, § 13)

Sec. 6-67 Order to repair.

Whenever the fire chief shall determine as a result of an inspection that alterations or repairs are necessary in any building for the public safety or as a preventative measure against fire, he shall issue an order, in writing, specifying the alterations or repairs necessary to be made in the structure or the manner combustible materials shall be kept. He shall give notice of such order to the owner or occupant of the premises, either by certified mail, return receipt requested addressed to such owner or occupant or by personal service of such order. Such order shall state the maximum period of time for compliance with such order that the fire chief shall deem reasonable under the circumstances.

Sec. 6-68 Failure to comply with order to repair.

If the owner or occupant of such premises shall fail to comply with such order within the time specified, such owner or occupant shall be liable for the civil penalties applicable for the violation of this article and the penalties provided for under section 6-69.

Section 6-69 Enforcement

- (a) A civil penalty of not more than \$800.00 may be imposed for violation of a civil ordinance. Each day the violation continues shall constitute a separate violation.
- (b) Any fine or penalty may be appealed to the Springfield Town Manager. The appeal shall be in writing and shall be filed with the Town Manager within ten (10) days of the invoice date. The appeal shall be acted upon by the Town Manager within fifteen (15) days after the receipt of the appeal notice. Upon such appeal, the Town Manager shall act to reverse, affirm or modify in any regard the original invoicing determination of the Fire Chief. The Town Manager shall issue a written decision to the aggrieved party.
- (c) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is \$800.00 or less, shall be brought before the judicial bureau pursuant to Vt. Statutes, Title 4, and Title 24, Chapter 59. If the penalty for all continuing civil ordinance violations is greater than \$800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under Vt. Statutes, Chapter 117, in which instance the action shall be brought in the Environmental Division of the Superior Court.

- (d) The judicial bureau, on application of the Town may order that a civil ordinance violation cease.
- (e) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of Vt. Statutes, Chapter 117.

EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Springfield Select Board. If a petition is filed under Vt. Statutes, Title 24, Sec. 1973, that statute shall govern the taking effect of this ordinance.

Springfield Select Board

Dated: _____

