

## CHAPTER 4

### BUILDING REGULATIONS

#### ARTICLE I. ENACTMENT AND PERMIT REQUIREMENTS

##### **Sec. 4-101. PURPOSE AND NECESSITY**

This ordinance regulates the design, construction, renovation, alteration, maintenance, demolition and moving of structures, buildings and building systems, and is found and determined by the City Council to be necessary for the protection of the health, safety and welfare of the people of Montpelier and the preservation of the built environment.

##### **Sec. 4-102. PERMIT REQUIREMENTS**

Within the City of Montpelier, no building, building addition or building system may be erected, installed, renovated, altered, wrecked or moved prior to the submission of a complete building permit application to the Building Department and the issuance of a building permit by the Building Inspector. It is unlawful for any person to connect with any water or sewer line without first obtaining a building permit for such plumbing work. Permits shall not be considered valid unless signed by the Building Inspector, Zoning Administrator and the Director of Public Works. No building permit shall be issued prior to the payment of the appropriate building permit application fee, the issuance of a zoning permit and the payment of development fees such as impact fees, parking replacement fees, or fees imposed by the Department of Public Works, if required. Once the permit is issued, it shall be posted at the construction site in a conspicuous location and shall not be removed until the work has been inspected and approved by the Building Inspector or the State of Vermont.

##### **Sec. 4-103. NO BUILDING PERMIT FOR MINOR REPAIRS**

Building permits are not required for routine maintenance and minor repairs, as determined by the Building Inspector. Minor plumbing repairs shall include the repair of leaks in pipes, drains and faucets, opening up of waste and supply pipes, traps or drains, or replacing broken fixtures or frozen pipes inside the walls of buildings. Minor electrical work shall include the repair, removal, disturbance or disconnection of any existing electrical equipment or the renewal or replacement of any existing branch lighting circuit switches, sockets or receptacles.

##### **Sec. 4-104. APPLICATION REQUIREMENTS**

Building permits shall not be issued prior to the submission of a complete application to the Building Department.

**A. Requirements for Buildings and Building Additions**

Applications for the construction of buildings or building additions shall include the following:

- (1) completed application form signed by the property owner or authorized agent;
- (2) application fee;
- (3) construction documents appropriate for the project; and
- (4) other information as required by the Building Inspector.

**B. Requirements for Renovations to Existing Buildings and for the Renovation or Installation of Building Systems**

Applications for the renovation of existing buildings or for the installation or renovation of building systems, including but not limited to electrical, plumbing, heating, ventilation, and air-conditioning, shall include the following:

- (1) completed application form;
- (2) application fee;
- (3) written description of work; and
- (4) other information as required by the Building Inspector.

**Sec. 4-105. PERMIT FEES**

Building permit application fees shall be based on the physical value of the work, as determined by the Building Inspector, and calculated at a rate approved by the City Council.

No fee shall be imposed for alterations to existing buildings or structures for energy efficiency and handicapped accessibility improvements, or for the installation of elevators or sprinklers.

Fees for any other services and/or inspections may be set at a rate approved by the City Council.

**Sec. 4-106. EXPIRATION AND RENEWAL OF PERMITS**

Building permits are valid for one year. Building permits may be renewed on or before their expiration date if building and construction work is still progressing. There shall be no charge for such renewals.

Application fees shall be refunded, in part, if the scope of the project is reduced or in full if the project is not developed.

**Sec. 4-107. EXEMPTIONS FROM PERMITTING REQUIREMENTS**

Buildings owned by the United States or by the State of Vermont are exempt from the requirements of this chapter.

**Sec. 4-108. DEFINITIONS**

The definition of terms used in this chapter shall be those contained in the applicable code books listed in Article 2 of this chapter.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/8/02.

Amendment enacted April 11, 2007 [Sec. 4-104, A and B rewritten; Sec. 4-105 rewritten]. Date of Publication: 5/4/07. Effective Date: 5/10/07.

Chapter. 4 BUILDING REGULATION

ARTICLE II. CODES

All existing buildings, building systems, new construction, renovations, and dangerous and hazardous substance use and storage, public and private, must comply with the following codes:

**Sec. 4-201. BUILDING & FIRE CODE**

WHEREAS, the City Council finds and determines that the risk of fire poses a threat to the inhabitants of the city of Montpelier and all classes of property located therein; and,

WHEREAS, the imposition of uniform fire suppression measures has been demonstrated nationally to minimize personal injury, death, economic loss and property damage as a result of fire; and,

WHEREAS, among property located within the city of Montpelier are various classes, each exhibiting different characteristics as to age, condition, location, use and risk of conflagration; and,

WHEREAS, the City Council desires to enact and enforce an ordinance imposing reasonable and uniform fire suppression standards, applicable to all classes of property within the city of Montpelier.

NOW, THEREFORE, in the exercise of its lawful police and regulatory authority, the City Council ordains and adopts the following MONTPELIER BUILDING & FIRE CODE, hereby replacing Chapter 4, Article 2, Section 201, of the Code of Ordinances in its entirety:

**§201-1. CODE DEFINITIONS**

*Montpelier Building & Fire Code (2007)*

Vermont Fire and Building Safety Code, IBC, IRC, NFPA 101, NFPA 1, NFPA 13, NFPA 13R, NFPA 13D as defined below.

*Vermont Fire and Building Safety Code (2005)*

Codes and standards as contained in the rules adopted to become effective on 10-22-2005 by the Commissioner of Public Safety under 20 V.S.A., Chapter 173, Subchapter 2, "Fire Safety Division"; Subchapter 3, "Fire Hazards, Boilers, and Pressure Vessels"; and Chapter 177, "Explosives and Fireworks", as amended in §201-4.

*IBC*

International Building Code, as published by the International Code Council, Inc. (2003 Edition) as amended by the Vermont Fire and Building Safety Code (2005)

*NFPA101*

NFPA 101, Life Safety Code (2003 Edition), as published by the National Fire Protection Association, as amended by the Vermont Fire and Building Safety Code (2005)

*NFPA 13*

NFPA 13, Installation of Sprinkler Systems (2002 Edition), as published by the National Fire Protection Association

<i>NFPA 13D</i>	NFPA 13D, Sprinkler Systems One- and Two- Family Dwellings and Manufactured Homes (2002 Edition), as published by the National Fire Protection Association
<i>NFPA 13R</i>	NFPA 13R, Sprinkler Systems Residential Occupancies Up To and Including Four Stories in Height (2002 Edition), as published by the National Fire Protection Association
<i>IRC</i>	International Residential Code (2003 Edition) as published by the International CoDe Council, Inc.
<i>NFPA 1</i>	Uniform Fire Code, NFPA 1 (2003 Edition) as published by the National Fire Protection Association as amended by the Vermont Fire and Building Safety Code (2005)

**§201-2. CODE ADOPTION BY REFERENCE**

The Vermont Fire and Building Safety Code (2005), IBC, NFPA 101, NFPA 1, NFPA 13, NFPA 13D and NFPA 13R and all their referenced documents are adopted by reference.

NFPA 101, the IRC, and all their referenced documents, are adopted by reference. These codes shall apply to one and two-family dwellings and associated structures and systems unless otherwise regulated by the Vermont Fire and Building Safety Code.

**§201-2a. CONFLICTS BETWEEN CODES**

Where there is a conflict or difference between an adopted code and its referenced code or standard, the adopted code shall apply. Where there is a conflict between the Life Safety Code (NFPA 101) and another code or standard, the Life Safety Code shall apply. Where there is a conflict between the Uniform Fire Code (NFPA 1) and the International Building Code (IBC) or the National Board Inspection Code, The Uniform Fire Code shall apply. Where one code or standard has a requirement and another code or standard does not have a requirement, the code or standard with the requirement shall apply. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

**§201-3. COPY FOR PUBLIC INSPECTION**

A copy of the referenced codes and standards shall be in the Office of the Building Inspector and be available for public use.

**§201-4. AMENDMENTS – AUTOMATIC SPRINKLER SYSTEMS**

201-4 AMENDMENTS - AUTOMATIC SPRINKLER SYSTEMS  
Public Buildings As Defined by 20 V.S.A. 173 § 2730:

Informational Note: "Public Buildings" are all buildings other than an owner-occupied single family home.

In addition to the provisions of the Vermont Fire & Building Safety Code, an automatic sprinkler system installed in accordance with NFPA Section 9.7 shall be installed in the following:

1. All new public buildings;
2. All additions to public buildings exceeding 50% of the footprint square footage of the previously existing building, or 1,000 square feet, whichever is less;
3. Changes of occupancy classification under the Life Safety Code;
4. Construction that adds a new commercial kitchen to a public building;
5. Conversion of a public building to mixed uses; and
6. Conversion of a public building to a use that includes storage or use of flammable materials, or which houses activities which may, at the determination of the Fire Chief, present a discernible fire risk. The Fire Chief will use the same factors listed in section 201-5a to determine if the new use presents a discernible fire risk.

New Multi-family Dwellings:

In addition to the provisions of the Vermont Fire & Building Safety Code, an approved automatic sprinkler system must be installed in residential occupancies up to and including four stories in height in accordance with NFPA 13R.

Exempt Structures:

Unless otherwise required by the Vermont Fire & Building Safety Code, an automatic sprinkler is not required for any of the following structures:

1. Manufactured mobile homes, tents and yurts;
2. Structures on properties not supported by the City water system;
3. Detached structures such as wood sheds, residential garages or accessory type structured deemed insignificant by the City;
4. Residential additions which do not exceed 50% of the footprint of the previously existing building or 1,000 square feet, whichever is less;
5. Duplex and Ancillary Dwellings added to existing residential properties, provided each unit has a direct exit to the exterior and are separated from all other portions of the building by fire barriers having a 1-hour fire resistance rating with no openings therein;  
or
6. Change of use from public building or multi-family residential to one- or two- family residential.

**§201-5. PERMITS**

The grant of any permit relating to construction shall be conditioned upon compliance with the Montpelier Building & Fire Code. The grant of any permit relating to new construction, including additions, shall be conditioned upon approval of a design for the installation of an automatic sprinkler system in accordance with the Montpelier Building & Fire Code. For those buildings that are classified as a “public building” pursuant to 20 V.S.A., Chapter 173, such approval shall be obtained from the City of Montpelier pursuant to authority granted by the State of Vermont. For all buildings that are not classified as “public buildings” pursuant to 20 V.S.A., Chapter 173, including but not limited to single family residence and additions to single-family residences, such approval shall be obtained from the City.

## **§201-5a. VARIANCE**

The applicant may request a variance from the sprinkler requirements 201-4 by submitting a written variance request to the Housing and Building Code Board of Appeals, established in Section 4-602. The board shall have the authority to grant a full or partial variance. The factors that the board may consider in favor of granting the variance include, but are not limited to:

1. Low risk occupancy;
2. Alternative compliance measures;
3. Unreasonable cost burden; or
4. Inadequate city water volume at street.

The factors that the board may consider against granting a full or partial variance, include, but are not limited to:

1. Proximity of less than 20 feet to other structures; or
2. High risk occupancy.

## **§201-6. NONCOMPLIANCE**

Any property not in compliance with the Montpelier Building & Fire Code shall be deemed to be unfit for use, occupancy and habitation. Such determination may be made by the City of Montpelier following notice to the property owner, inspection of the premises, and a hearing. A structure determined to be in noncompliance with the Montpelier Building & Fire Code may be subject to a finding by the City Council convened as a local board of health that such premises constitutes a public health hazard, and shall be dealt with as provided by law.

## **§201-7. PENALTIES**

Any person failing to comply with the Montpelier Building & Fire Code shall be subject to (in addition to penalties and other remedies proscribed in the Charter of the City of Montpelier or otherwise permitted by law) injunctive relief, including orders to (i) vacate said property, (ii) install automatic sprinkler systems in compliance with the Montpelier Building & Fire Code, (iii) reimburse the City of Montpelier for all costs incurred in enforcing this ordinance and (iv) in the event the City in its discretion elects to enter premises and install such automatic sprinkler systems itself, reimburse the City of Montpelier for all costs incurred in such installation. Each day in which said premises shall be in noncompliance with the Montpelier Building & Fire Code shall be deemed a separate violation. The City shall have a lien upon said premises for all penalties and costs incurred hereunder.

## **Sec. 4-202. ELECTRICAL CODE**

Applicable sections of the Vermont Fire & Building Code 2005, including NFPA 70 – National Electrical Code (as adopted under the Vermont Electrical Safety Rules), NFPA 73 – Residential Electrical Code (as adopted under the Vermont Electrical Safety Rules), are hereby adopted by reference and incorporated herein and shall be known as the Montpelier Electrical Code.

#### **Sec. 4-203. PLUMBING CODE**

Applicable sections of the Vermont Fire & Building Safety Code 2005, including the Plumbing Code (as adopted by the Plumbers' Examining Board), are hereby adopted by reference and incorporated herein and shall be known as the Montpelier Plumbing Code.

#### **Sec. 4-204. PROPERTY MAINTENANCE CODE**

This code establishes minimum requirements for the initial and continued occupancy and use of dwellings and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures equipment of facilities. The BOCA Basic Property Maintenance Code/1981, published by Building Officials and Code Administrators International, Inc., together with all subsequent amendments and revisions is adopted by reference and incorporated herein together with the following amendments:

- (a) PM - 100.1 is amended to read "These Regulations shall be known as the Housing Code of the City of Montpelier hereinafter referred to as the property maintenance code of 'this code'."
- (b) PM - 109.2 is amended to read "Any person who shall violate any provision of this chapter shall be deemed to have committed a civil offense and shall be subject to the penalties established in Chapter 1, Section 9(d)."
- (c) PM - 303.31 is amended to read "No lead based paint shall be used in painting the interior or exterior of any dwelling unit or child care facility, including fences and outbuildings at these locations."
- (d) PM - 304.0 titled "Utilities" is added and reads "No owner shall cause any water, sewer, equipment or utility which is required by this ordinance to be removed, shut off or discontinued for any occupied dwelling unit let by him/her except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies."
- (e) All provisions relating to the inspection of existing properties shall be limited per section 302 of this chapter.

#### **Sec. 4-205. ABANDONED OR VACANT BUILDINGS CODE**

An abandoned or vacant building shall be defined as a building or portion of a building that is not maintained or is damaged to such an extent that it is no longer in a safe, secure, or occupiable condition. The owner of any abandoned or vacant building or his/her authorized agent shall:

- A. Cause all services and utilities to be disconnected from, or discontinued to, said building;
- B. Remove all personal property from the interior of said building and from its grounds;



- C. Secure the vacant or abandoned building at all times; and
- D. Maintain such buildings so that its foundation, floors, windows, walls, ceilings, roof, porches, and stairs shall be reasonably weather tight, waterproof, rodent proof, and in good repair.

**Sec. 4-206. LEAD PAINT**

In addition to the codes cited above that regulate the use of lead paint, all owners of rental target housing, as defined in Title 18 V.S.A., §1751(b)(24), and child care facilities, shall perform the “Essential Maintenance Practices” required by state law, Title 18 V.S.A., Part 2, Chapter 38, §1759.

**Sec. 4-207. SWIMMING POOLS**

**A. Definitions**

A “swimming pool” is defined as any constructed pool used for swimming or bathing, over 18 inches in depth, or with a surface area exceeding 250 square feet.

A “private swimming pool” shall include all constructed pools which are used, or intended to be used, as a swimming pool in connection with a single or multiple family residence and available only to the family of the householder and private guests.

**B. Safety**

- (1) No private swimming pool shall be constructed or used unless electrical appliances connected therewith shall be properly grounded.
- (2) No private swimming pool shall be constructed or used that has overhead electrical wires crossing the pool area.
- (3) Every swimming pool shall be completely enclosed by a wall, fence, or other substantial structure not less than 4 feet in height measured on the outside of the enclosure. No openings other than doors and gates with any dimensions greater than 4 inches shall be permitted therein except that picket fences may be erected or maintained having horizontal spacing between pickets not more than 4 inches. All gates or doors opening through such enclosures shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such door or gates securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings are forming any part of the enclosure here and above required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure, shall be located at least 4 feet above the ground or otherwise equally inaccessible to small children.

- (4) A natural barrier, hedge, pool cover or other protective device approved by the Building Inspector may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure gate and latch described herein.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/8/02.

Amendment enacted October 22, 2003 [Sec. 201, BUILDING & FIRE CODE, rewritten].  
Date of Publication: 11/06/03. Effective Date: 11/12/03.

Amendment enacted March 22, 2006 [Sec. 201-4. **AMENDMENTS**, rewritten and *Exceptions 4-6 added*; and §201-5a. **VARIANCE**, added]. Date of Publication: 3/27/06. Effective Date: 4/02/06.

Amendment enacted April 11, 2007 [Opening paragraph and Subsections 4-201-1, 4-201-2, 4-201-3, 4-201-4, 4-201-5, and Sec's. 4-202 and 4-203 rewritten; Subsection 201-2a, added]. Date of Publication: 5/4/07. Effective Date: 5/14/07.

Amendment enacted July 10, 2013 [Sec. 201.4, **AMENDMENTS**, *Exception No. 4*, rewritten; new *Exception No. 7* added]. Date of Publication: 7/16/13. Effective Date: 7/22/13.

Amendment enacted February 14, 2018 [Sec. 201-5a, **VARIANCE**, rewritten] Date of Publication: 2/20/18. Effective Date: 3/2/18

Amendment enacted February 14, 2018 [Sec. 201-4, **AMENDMENTS**, rewritten] Date of Publication: 2/20/18. Effective Date: 3/2/18

## **ARTICLE III. INSPECTIONS, CERTIFICATES OF OCCUPANCY AND ENFORCEMENT**

### **Sec. 4-301. RESPONSIBILITY**

Responsibility for inspections is vested in the Building Inspector. The Building Inspector may delegate any powers to another individual, subject to the approval of the City Manager.

### **Sec. 4-302. INSPECTIONS**

The Building Inspector shall inspect all construction and renovation activity requiring a permit under this chapter for compliance with applicable codes contained in this ordinance unless the responsibility for said inspections is assumed by the State of Vermont or a Federal Agency. Compliance with this ordinance shall be indicated by the issuance of a Certificate of Occupancy.

Existing buildings shall be inspected at:

- (a) the request of the property owner;
- (b) upon verbal or written complaint by a tenant of the building;
- (c) upon receipt of notice from the State Department of Labor and Industry that code violations exist at the site; or
- (d) except for owner occupied single family dwellings, when code violations are evident at the exterior of the building.

### **Sec. 4-303. CERTIFICATES OF OCCUPANCY**

The Certificate of Occupancy provides a mechanism to verify that construction and renovations have been completed in compliance with this ordinance.

It shall be unlawful to use or occupy any new structure, building addition or an existing structure or dwelling unit vacated during renovations prior to the issuance of a Certificate of Occupancy by the Building Inspector stating that the structure conforms with all applicable codes contained in this ordinance.

#### **A. Application Deadline**

A request for a Certificate of Occupancy must be filed with the Building Inspector prior to the expiration of the Building Permit, or in connection with an inspection conducted under Section 302.

#### **B. Required Form and Application Materials**

A request for a Certificate of Occupancy shall be filed on a form provided by the City of Montpelier and shall contain the signature of the owner or agent certifying that all construction is in compliance with this ordinance.

### **C. Issuance**

The Building Inspector shall perform any required inspections or consult with any interested City agencies and take action to approve or deny the application for a Certificate of Occupancy within 15 days following the receipt of a properly completed application. All action shall be in writing and shall state the reasons for denial if applicable.

### **Sec. 4-304. VIOLATIONS**

Any person who shall violate any provision of this chapter shall be deemed to have committed a civil offence and shall be subject to the penalties established in Chapter 1, Section 9(d).

### **Sec. 4-305. NOTICE AND ORDERS**

#### **A. Form of Notice**

Whenever the Building Inspector determines that there has been a violation of any provisions of this Chapter or any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation and orders for correction of violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the conditions that constitute violations of this Chapter and what must be done to correct same;
- (3) State the date of the inspection, the name of the inspector, and the address of the dwelling;
- (4) Specify a time limit for the performance of any act it requires. Said time limit shall be a reasonable time, not to exceed 60 calendar days unless:
  - (a) The work is major exterior work including, but not limited to, work such as painting, gutters, foundations, or roof work, weather dependent, and, therefore, could not reasonably be completed within 60 calendar days based on the period of the year in which the inspection is done. In such cases, the time limit for the weather dependent work shall be 60 calendar days after a date when favorable weather conditions could be expected. All said time limits shall commence from the date of the inspection report; or
  - (b) The owner or agent intends to make substantial renovations which must be directly linked to the correction of the violation(s), and he/she applies for permits, submits required plans, and a schedule of proposed renovations as per Section 104 of this chapter.
- (5) Notify the owner or agent, the occupant, and the complainant as the case may require, of the right to appeal;

- (6) Be served within 10 working days upon the owner or his/her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant if a copy thereof is served upon him/her personally, or if a copy thereof is sent by certified mail to his/her last known address, or if he/she is served with such notice by any other method authorized or required under this Code or the laws of this state;
- (7) A duplicate shall be sent to the occupant in cases where the owner or his/her agent are the appropriate parties to be served, and be sent to the owner or his/her agent in cases where the occupant is the appropriate party to be served. If the violation or violations concern a common area rather than an individual dwelling unit or rooming unit, the notice shall be sent to all occupants of the dwelling, or may also be posted in a conspicuous location in said dwelling if, in the judgment of the Building Inspector, such posting is necessary to provide adequate notice. If the violation is a major one, posting shall be mandatory, whether the violation concerns a common area or an individual dwelling unit or rooming unit. Any person removing such posted notice without authorization of the Building Inspector shall be fined \$50.00. Notice to occupants by mail or posting shall be given within 10 working days after the date of inspection; and
- (8) All orders shall be left for recording in the office of the City Clerk within 72 hours of its issuance. The City Clerk shall cause such orders to be recorded and indexed in the land records under the name(s) of the property owner(s).

#### **B. Appeals**

All actions of the Building Inspector may be appealed to the Housing Board of Appeals per Article 6 of this chapter. This includes determinations that no violation exists following receipt of a complaint from a tenant.

#### **C. Failure to Complete Work**

A failure to complete work within the time limits specified in the written notice of violation shall constitute a separate violation of this chapter.

### **Sec. 4-306. EXTENSIONS OF TIME**

#### **A. Time Limit**

The time limit set for the correction of any violation not prohibited by Subsection (C) below may be extended by the Building Inspector for a reasonable time upon a showing that the person ordered to make the repair has made a good faith effort to comply with said order, and that the repair could not have been accomplished within the time originally set, or, in the case of owner-occupied, two-family dwellings, upon the showing of unusual hardship. Unusual hardship can only be applied to the owner-occupied portion of the building. Each such extension shall be recorded in the file for the affected property and such record shall include a description of good faith effort, inability to accomplish within the original time, and hardship relied upon in granting the extension. No single extension shall exceed 60 calendar days unless weather conditions would prohibit correction of the violation within 60 calendar days.

The Building Inspector or the Housing Board of Appeals may grant a time extension due to the owner's inability to gain access to the unit if the owner has requested, by a letter sent by certified mail, reasonable times when the work can be done.

**B. Good Faith Effort**

“Good Faith Effort” is defined as a substantial portion of the work completed or:

- (1) The owner or agent has a signed and completed contract with a company that is capable of making the repair, and the contract was signed at a time that would have allowed the work to be completed in the time allowed by the Building Inspector had not weather or natural disaster prevented; or
- (2) If the owner or agent or his/her staff is capable of making the repair, the owner or agent must present to the Building Inspector a paid invoice or delivery order for the materials needed to make the repair and the materials must have been ordered at a time that would have allowed the repair to be made in the time allowed by the Building Inspector, had weather conditions or natural disaster not prevented.

**C. Hazardous Conditions**

Time extensions shall not be granted by the Building Inspector in imminently hazardous conditions, such as, but not limited to, gas leaks, no utilities, inadequate heat as required by this ordinance, unsafe fire exit, etc.

**D. Total Time**

The total time for making repairs of violations not constituting a hazard to health and safety, including the initial time and extensions by the Building Inspector, shall not exceed six months.

**E. Additional Extensions**

Additional extensions of reasonable periods, not to exceed three months, may be granted by the Housing Board of Appeals in cases where a person ordered to correct a violation has not been able to do so within the time set by the Building Inspector, despite all diligent effort. A bond or an irrevocable letter of credit may be required to be posted with the Building Inspector if the Board determines one necessary to guarantee completion of the repairs. The bond or letter of credit amount shall be determined by the Board based upon the repairs required by the Building Inspector.

**F. Time Limits for Extensions of Applications**

Extensions must be sought within one working day after the expiration of the preceding time period, and decisions as to whether extensions will be granted must be made within two working days after the preceding time period. The Building Inspector shall keep written records of the reasons for granting time extensions.

**Sec. 4-307. NOTICE OF COMPLIANCE**

Once the required corrective action has been completed and the property has been brought into compliance with this ordinance, the Building Inspector shall issue a notice of compliance to the property owner. This notice shall be transmitted to the City Clerk for recording and to all persons who received copies of the original notice of violation.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/08/02.

## ARTICLE IV. ADMINISTRATION

### **Sec. 4-401. APPOINTMENT OF BUILDING INSPECTORS**

The Building Inspector shall be appointed by the City Manager. The appointment shall continue during good behavior and satisfactory service of the inspector. The building inspector shall not be removed from office except for cause after full opportunity has been given him/her to be heard on specific charges. The Building Inspector need not be an employee of the City.

During the temporary absence or disability of the inspector, the city manager shall designate acting inspectors.

### **Sec. 4-402. QUALIFICATIONS OF INSPECTORS**

To be eligible for appointment, the candidate shall have a considerable knowledge of methods, materials and techniques involved in building construction, repair and alterations; considerable knowledge of building and housing code and zoning ordinances; ability to interpret building plans for compliance with housing and building codes; ability to meet and discuss problems arising during inspections; ability to maintain harmonious relationships with the people; considerable knowledge of the possible defects and flaws in building construction, of the stages in construction whereby possible defects and violations may be detected, and of effective corrective measures. They shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building, construction, alterations, or removal and demolition.

### **Sec. 4-403. DUTIES AND POWERS OF INSPECTORS**

The Building Inspector is hereby authorized and empowered to implement and enforce all requirements of this chapter.

### **Sec. 4-404. REPORTING**

The Building Inspector shall make a detailed report to the City Manager each month, showing the number of permits granted and the number refused, the status of all enforcement actions, and such other information as may be of importance.

### **Sec. 4-405. RECORDKEEPING**

The Building Inspector shall keep a detailed record of all permitting, certificate of occupancy and enforcement activity. Data bases shall be compiled which track these activities, as well as information regarding changes in the number and type of housing units, the amount of new commercial space created or lost, and the nature and status of each enforcement action.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/08/02.



## ARTICLE V. LICENSING

### **Sec. 4-501. LICENSE REQUIREMENTS**

It shall be unlawful for any person to engage in or work at the business, trade or calling of a journeyman plumber, master plumber, or electrician within the city of Montpelier, unless he/she is duly licensed as such by the State of Vermont. The said requirement for a license shall not apply to the owner doing work on their own single-family residence, providing that all work conforms with applicable codes contained in this ordinance.

### **Sec. 4-502. PROOF OF LICENSE**

Individuals performing plumbing or electrical work shall provide proof that he/she is licensed by the State of Vermont when requested by the Building Inspector.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/08/02.

## ARTICLE VI. MONTPELIER BOARD OF APPEALS

### **Sec. 4-601. THE RIGHT TO APPEAL**

It is hereby ordained by the City Council of the City of Montpelier as follows: that any person aggrieved with the ruling or decision of the enforcing officer, in carrying out his/her duties under these Building Regulations, may appeal the decision or interpretation within 20 days after the day the notice was served by certified mail.

### **Sec. 4-602. ESTABLISHMENT OF BOARD**

In order to protect existing structures in the city by enforcement of the codes contained in this chapter, there shall be and is hereby created a Housing and Building Code Board of Appeals, hereafter referred to as the Board consisting of three members plus one alternate who shall be appointed by the City Council.

### **Sec. 4-603. APPOINTMENTS TO BOARD**

Said board shall consist of three residents and one alternate and electors of the City appointed by the City Council.

Each member shall have been a resident of the City for at least one year prior to appointment. Each member shall resign if their appointed status as a board member has changed. The City Council shall appoint for a term of one year an alternate member of such board in addition to the three members above provided for, who shall act with full power only when a member of the board refuses to vote because of a conflict of interest or when a member is absent. All appointments shall be for a period of two years. Each member shall serve until a successor has been appointed.

A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest. The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

### **Sec. 4-604. PROCEDURES**

The provisions of the Vermont Fire Prevention & Building Code -- 1999, together with all future amendments, shall be adhered to by the Board of Appeals.

### **Sec. 4-605. APPEALS TO THE BOARD**

The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members, may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official. Said appeal shall be termed perfected by a written notice of appeal left with the Building Inspector personally or left at his office.

Enacted April 17, 2002 [Chapter 4, Technical Codes, and Chapter 6, Housing, of the existing ordinances combined into one chapter designated Chapter 4, Building Regulations]. Date of Publication: 5/02/02. Effective Date: 5/08/02.  
Amendment enacted March 22, 2006 [Sec's. 6-602 and 6-603 rewritten]. Date of Publication: 3/27/06. Effective Date: 4/02/06.

ARTICLE VII. SEVERABILITY

**Sec. 4-701. SEVERABILITY.**

The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Enacted April 11, 2007 [New Article VII. SEVERABILITY]. Date of Publication: 5/4/07.  
Effective Date: 5/10/07.

