

PUBLIC HEALTH & SAFETY ORDINANCE
TOWN OF SWANTON, VERMONT

SECTION 1. AUTHORITY

This Ordinance is adopted by the Selectboard of the Town of Swanton under authority granted in 24 V.S.A. § 2291 (13), (14), and (15), 24 V.S.A. § 2121 and 24 V.S.A. Chapter 59.

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

Being that there exists in the Town of Swanton structures, buildings and parcels of land that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the Selectboard of the Town of Swanton finds and declares that:

- (1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety.
- (2) Structures that are vacant and not property secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.
- (3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.
- (4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.
- (5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime location to conduct illegal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public health and safety and therefore are declared to be public nuisances.
- (7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
- (8) Communication between owners of dangerous and vacant buildings and the Selectboard is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures.

The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings, structures and land, consistent with the authority vested in the Town to protect the health, safety, and welfare of the public through regulation of the construction, maintenance, repair, and alteration of buildings, structures and properties within the Town.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following words and/or phrases shall apply:

- A. Town. The Town of Swanton, including the incorporated Village of Swanton.
- B. Dangerous Building or Dangerous Structure. Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation is hazardous to the health and safety of the public or likely to endanger other buildings or property.
- C. Vacant Building. Any building or structure that is unoccupied by a person or occupied by an authorized persons for more than one hundred twenty (120) days, excepting any permitted warehouse, garage, vacation property, or building or structure used only on a seasonal basis.
- D. Building Safety Officer. The officer appointed by the Selectboard of the Town of Swanton to enforce this Ordinance. The Building Safety Officer may hold any other office in the Town of Swanton. 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. The Building Safety Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the Town of Swanton. In the event the Building Safety Officer is unavailable, or has a conflict of interest, the Town Administrator or his/her designee shall perform the function of the Building Safety Officer
- E. Trash. Shall include rubbish, garbage, waster and refuse, including, but not limited to household wastes, recyclables, food scraps, household appliances, auto parts, automobiles, furniture and yard clippings, but shall not included junk at a duly licensed junkyard.
- F. Hazardous Conditions. Shall include, but not be limited to, situations where a property owner, tenant, any mortgagee in possession, or a designee of any of the foregoing allows:
 - 1. Trash to unreasonably accumulate or be discarded on a property in such a way that it causes an obvious hazard to public safety;
 - 2. The creation of an unsanitary condition likely to attract or harbor mosquitoes,

rodents, vermin, or disease carrying pests;

3. Trees and other plant life to dangerously obscure drivers' views or attract vermin;
4. The placement of appliances, autos, trucks, or other motor vehicles, and other objects that might constitute an attractive nuisance to children, pose a health or safety risks or attract vermin; or
5. Allows an abandon or unoccupied property to be left in an unsecured state.

SECTION 4. AUTHORITY OF TOWN HEALTH OFFICER

Nothing in this Ordinance shall affect the authority of the Town of Swanton Health Officer or the Selectboard to take any action permitted under 18 V.S.A. §§ 126, 127, *et seq.* The Health Officer and the Selectboard retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

SECTION 5. BUILDING AND PROPERTY OWNER OBLIGATIONS

Building and property owners shall ensure that the following measures have been undertaken, whether the building or property is occupied or not, to secure the building or structure by satisfying the following building maintenance standards:

- A. **Building Openings.** Doors, windows, areaway and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows, and other such openings shall be covered by glass or other rigid materials which are weather protected, and tightly fitted and secure to the opening.
- B. **Roofs.** The roofs and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof damage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
- C. **Drainage.** The building storm drainage system shall be functional and allow discharge in an appropriate, legal manner.
- D. **Building Structure.** The building shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- E. **Foundation Walls.** Foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rodent proof.

- F. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials
- G. Exterior Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair.
- H. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe, sound and of legal dimensions.
- I. Exposed Metal and Wood. All exposed metal and wood surfaces shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paints or similar surface treatment.
- J. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar Appurtenances shall be structurally safe and in good repair. Walkways shall be safe for pedestrian travel.
- K. Premises. All properties located in the Town of Swanton shall be kept clean, safe and sanitary, free from waste, trash rubbish, debris, or excessive vegetation, and shall not cause any hazardous conditions or threat to the public health or safety.
- L. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these building maintenance standards.
- M. Commercial Window Spaces. Display windows in the Town's commercial zoning districts shall be kept clean, inside and out, and any cracks or damage shall be repaired. If a building in a commercial zoning district is vacant, any display areas behind windows shall be kept free of clutter, waste, trash, rubbish, or debris.

SECTION 6. BUILDING INSPECTION

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, the Building Safety Office shall cause the building, structure or property to be inspected. Such inspection shall occur according to the following process:

- A. Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure or property at least twenty-four (24) hours prior to the inspection.

- B. If the Building Safety Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health and safety of the public, no notification shall be necessary prior to inspection.
- C. If the owner of a building, structure or property fails or refuses to consent to the inspection and, in the Building Safety Officer's opinion, an emergency situation does not exist that poses an immediate danger to the health and safety of the public, the Building Safety Officer shall be authorized to obtain a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officer and firefighters in time exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.
- D. The Building Safety Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.
- E. The Building Safety Officer may retain such law enforcement officers or fire officials as necessary to assist with a building safety inspection and the preparation of a Building Safety Order. The Building Safe Officer, with the prior approval of the Selectboard, may retain engineers, attorneys, and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

SECTION 7. SAFETY ORDER

- A. If, upon inspection, the Building Safety Officer determines that a building, premises, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Building Safety Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:
 - 1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
 - 2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
 - 3. Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be no less than three (3) business days from the date of the service of the order.

4. Inform the owner of his/right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing held by the Town Selectboard.
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- B. The Safety Order shall be served upon the owner of the Dangerous Building or Premises in person with written receipt or by certified mail, return receipt requested and by first class mail. A copy of the order shall be provided to the Selectboard of the Town of Swanton, with a copy file in the Zoning File maintained by the Zoning Administrator of the Town of Swanton.
 - C. If it appears to the Building Safety Officer that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.
 - D. If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal. The Building Safety Officer shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer, may as necessary, install boards or otherwise secure a dangerous building or order that the building be vacated by any occupants and removed. The Building Safety Officer shall research the Land Records of the Town of Swanton to ascertain if there is a mortgage holder of the property and if so, notify the mortgagee of the situation.
 - E. For removal or demolition, the Building Safety Officer, or other appropriate Town officer, may see approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Building Safety Officer may also seek the imposition of fines in accord with Section 9 (A) of this Ordinance.
 - F. The Building Safety Officer may contract with such service providers or use such other Town employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

SECTION 8. APPEAL OF SAFETY ORDER

- A. A person aggrieved by a Safety Order may appeal each Order to the Selectboard of the Town of Swanton by filing a notice of appeal within the time frame set forth for compliance in the safety order, pursuant to Section 7 (A) (3) of this Ordinance. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal. The notice of appeal to the Selectboard shall be filed with the Office of

the Town Clerk, Swanton Town Offices, 1 Academy Street, P. O. Box 711, Swanton, Vermont 05488.

- B. Within thirty (30) days of service of the notice of appeal, the Selectboard shall hold a hearing on the appeal. The Selectboard shall issue a written decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as he Selectboard deems necessary and appropriate to implement the purpose of this ordinance.

SECTION 9. PENALTY AND ENFORCEMENT

- A. If the owner fails to comply with a Safety Order, the Owner shall be considered to be in violation of the Order and this Ordinance. The Town shall be authorized to take such steps as may be allowed under Section 7 (D) of this Ordinance. In addition, any violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Franklin County Superior Court, at the election of the Building Safety Officer.
- B. A civil penalty of not more than \$100.00 per violation may be imposed for violation of this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.
- C. 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 enforcement 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.
- D. Violations enforced in Superior Court shall be in accordance with 24 V.S.A. §1974a and the Vermont Rules of Civil Procedure. The Town of Swanton may pursue any and all remedies available at law or in equity.
- E. Any repeat violation of this Ordinance of a similar type that has been the subject of a Safety Order on the same property with three hundred sixty-five (365) days may be subject to a civil penalty of not more than \$100.00 per violation without requiring the issuance of a new Safety Order. Each day that the violation continues shall constitute a separate violation of this Ordinance.

SECTION 10. VACANT BUILDING STANDARDS

- A. An owner of a building that has become vacant and will remain vacant for a period longer than thirty (30) day shall notify the Building Safety Officer. The owner of the vacant property shall disclose all measures being taken to ensure that the building will

be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency and together with its premises with the vacant building maintenance standards.

- B. The owner of the vacant building shall submit a “statement of intent.: The statement shall include but not necessarily limits to information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection and a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

- C. At the time of the notification by the owner that a building or structure, they shall arrange for an inspection of the premises by the Building Safety Office and the appropriate police and fire officials. The purpose of such an inspection is to determine and ensure the structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building or structure is in compliance with the standards of this ordinance.

- D. If the Building Safety Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, safety or welfare of the general public, no notification or warrant shall be necessary and the Building Safety Officer shall enter and inspect the premises pursuant to Section 7 of this Ordinance.

- E. The Building Safety Officer shall provide the Swanton Police Department with a notification of a vacant building or structure as it comes to their attention. The Building Safety Officer shall notify the Police Department upon learning of a change of status of the premises.

- F. If the building or premises is equipped with a fire alarm system and/or a fire sprinkler system, said systems are to be kept in service and in good working order.

- G. If the owner of the vacant building or structure fails or refuses to consent to an inspection, the Building Safety Officer may seek a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents does not present a hazard to the public during the time that the building remains vacant, and that the building and structure is in compliance with the standards of this ordinance.

H. The Building Safety Officer, upon inspection, shall issue any order for work needed to:

1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the standards set forth in this Ordinance.
2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
3. When issuing such orders, the Building Safety Officer shall specify the time for completion of the work. The maximum duration of repairs shall not exceed ninety (90) days. All work done pursuant to this article shall be done in compliance with all applicable building, fire prevention, and zoning statutes and ordinances.

SECTION 11. SEVERABILITY

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any part of this Ordinance.

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this ordinance.

Adopted by the Town of Swanton Selectboard on February 3, 2026

Anna J. Bangor

Nicole Draper

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