

Town of West Rutland, Vermont
Dilapidated Building Ordinance

I. Statutory Authority

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

II. Statement of Findings

1. Buildings that are in such a state of disrepair, due to deterioration or neglect, to cause deterioration and instability to a neighborhood; and/or to have an adverse impact upon adjacent and nearby properties; and/or to present a threat to public health, welfare, and safety; are deemed to be a Public Nuisance.
2. Once a building becomes a public nuisance, the opportunity for rehabilitation is often passed; at that point, the cost of remediation can outweigh the value of the building.
3. Vacant buildings are particularly susceptible to falling into a state of disrepair and to becoming public nuisances.
4. It is in the best interests of the Town of West Rutland and its taxpayers to encourage owners to maintain their vacant buildings and to rehabilitate their deteriorating, vacant buildings before those buildings become public nuisances, and to assess financial deterrents to the owners in the event that they fail to do so.

III. Purpose

The purpose of this ordinance is to establish measures to abate the public nuisances, health and safety hazards, and other harmful effects that arise from dilapidated or vacant buildings and structures in the Town of West Rutland.

IV. Scope of Ordinance

The ordinance shall apply to any dilapidated building or structure in the Town of West Rutland, whether occupied or vacant.

V. Definitions

DILAPIDATED BUILDING. Any building or structure or part thereof that, whether occupied or vacant, for the lack of proper maintenance, repair, or sanitation, or by reason of abandonment or damage by fire or elements, is hazardous to the health or safety of the public, or presents a threat of damage to other buildings or property. Without limiting the generality of the foregoing, a building may be determined to be hazardous or dilapidated:

- A. If it has deteriorated from deferred maintenance and neglect or has been damaged by fire, flood, wind, weather, impact or other event so that its structural integrity or security from unauthorized entry is impaired and the owner has not promptly commenced and pursued resolution of the offending condition;
- B. If it is not reasonably secured against unauthorized entry by trespassers and vagrants and there is evidence, or have been reports, of such entry and use by unauthorized persons, or by animals which are not domestic pets of the property owner or other legal occupant;
- C. If municipal water is turned off to a building, due to nonpayment of the water and sewer bill(s).
- D. If a building has malfunctioning or unsanitary sewerage or plumbing facilities, or from which the plumbing, electrical, or heating systems have been removed or rendered permanently damaged.
- E. If a building is in such a state of dilapidation, deterioration, or damage as to adversely affect the character of the surrounding area, or which negatively affects the value of adjacent and nearby properties; or which constitutes a fire hazard; or is in danger of collapse or catastrophic failure; or is otherwise unsafe to persons or property.
- F. If raw sewage or fecal matter (animal or human) is present in or around the building not being disposed of in a properly functioning on-site wastewater system or municipal sewer, thus causing a hazard to human health;
- G. If flammable liquid or substances, or hazardous or toxic materials of any description are or have been unsafely or unlawfully stored, spilled, released or discharged on, in, under or around any such building, without required reporting and taking prompt and prudent action to mitigate, clean-up and remediate such condition.

HEALTH OFFICER OR ZONING ADMINISTRATOR. The Officer(s) appointed by the West Rutland Selectboard to enforce this ordinance. The Health Officer or Zoning Administrator may hold any other office in the Town of West Rutland. Nothing in this ordinance shall prevent the Health Officer or Zoning Administrator from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce.

VI. Abatement of Dilapidated Buildings

A. **Building Safety Inspection.** Upon receiving information that any building or structure in the Town of West Rutland may be a Dilapidated Building, the Health Officer

or Zoning Administrator shall inspect the building or structure.

(1) The Written Notice of intent to conduct an inspection shall be given to the property owner and any creditors of record at least forty-eight (48) hours prior to inspection. The notice in Attachment A shall be used and amended as needed. Notice to the property owner shall be deemed to be notice to any tenant or occupant of the building. It shall be the obligation of the property owner to give notice of the pending inspection to any such tenant or occupant.

The Written Notice shall be effectively given:

- At the time of delivery if hand-delivered;
- Seven (7) calendar days after deposit in U.S. Mail by certified mail, return receipt requested, postage pre-paid, to the last known address of the property owner;
- If given by e-mail, (if an e-mail address is available for the property owner) and proof that the e-mail has been opened by the addressee is available and retained.
- If in addition to any of the above, notice shall be effectively given if the inspection notice is physically attached (a “tack notice,” so-called) to the building where the inspection is proposed to occur.

(2) If the Health Officer or Zoning Administrator has reason to believe that an emergency situation exists which poses an imminent danger to the health or safety of the public, s/he shall document the information the decision is based on and no notification shall be necessary prior to inspection.

(3) If the property owner objects to or prohibits an inspection, the Health Officer or Zoning Administrator may seek a search warrant from the Vermont District Court for the purpose of conducting the inspection. No response to the written notice after service pursuant to Section IV (1) shall be deemed consent.

(4) The Health Officer or Zoning Administrator may retain, with Selectboard approval, such law enforcement officials, fire officials, engineers and other qualified experts as necessary to assist with a building safety inspection and/or the preparation of a Building Safety Order. The property owner shall reimburse the Town for any expense incurred by the Town of West Rutland in the hiring of these experts to assist with the building safety inspection where it is determined that the building is a Dilapidated Building, and/or in the preparation of a Building Safety Order.

B. Building Safety Order. If, upon inspection, the Health Officer or Zoning Administrator determines that a building or structure is a Dilapidated Building, the Health Officer or Zoning Administrator shall issue a Building Safety Order. The Building Safety Order shall:

(1) Identify the property owner’s name and mailing address, and physical location of the property.

(2) Identify the hazardous conditions that cause the building or structure to be

a Dilapidated Building and how the conditions were determined to be hazardous.

(3) Identify the actions that must be taken by the property owner at owner's expense to secure the Dilapidated Building and abate the hazardous condition(s).

(4) Identify the dates by which the actions to secure the Dilapidated Building and abate the hazardous conditions must be completed.

(5) Advise the property owner that failure to comply with the terms of the Building Safety Order may result in fines and other monetary liability, and the pursuit of injunctive relief by the Town of West Rutland.

(6) Outline the property owner's right to appeal the Building Safety Order to the West Rutland Selectboard.

The Health Officer or Zoning Administrator shall mail the Building Safety Order to the property owner of the alleged Dilapidated Building by certified mail, return receipt requested. A copy of the Order shall be delivered to the West Rutland Selectboard. Proof of mailing shall be proof of receipt. If the property owner is deceased, a copy of the Order shall be sent by certified mail, return receipt requested, to the person or institution responsible for managing the property owner's estate. The Health Officer or Zoning Administrator may also elect to send a copy of the Order to the holder of a mortgage or lien on the property.

C. **Right to Appeal.** A property owner aggrieved by the issuance of a Building Safety Order may appeal such Order to the West Rutland Selectboard within 15 days of the date of the Order. The notice of appeal must be in writing and must include the name and address of the appellant, the physical location of the property that is the subject of the Order, a brief description of the property, and a description of why the Order is not proper.

The property owner shall deliver the appeal to the Town Clerk's office.

D. **Selectboard Hearing.** Within 30 days of the receipt of an appeal of a Building Safety Order, the West Rutland Selectboard shall hold a Public Hearing to consider the appeal. The Selectboard shall issue a written decision within 15 days of the close of the Public Hearing. The decision shall uphold or overturn the Building Safety Order in whole or in part and may contain additional requirements or modifications to the Order as the Selectboard deems necessary to implement the purpose of this Ordinance.

Penalty and Enforcement.

(1) If the property owner fails to comply with a Building Safety Order, the property owner shall be in violation of the Order and this Ordinance. The violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in Superior Court as applicable under 24 V.S.A. 1974a.

(2) The penalty for violation of this civil ordinance shall be a fine in an amount of \$100 for a First Offense. If the violating offence is not cured within seven (7) calendar days and/or repeated within the same calendar year, the penalty(s) shall be \$100 per day (each day shall

constitute a separate offense) for every day the violation continues past the date set to cure the violation as outlined in the Building Safety Order.

(3) 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 the enforcement order in the Judicial Bureau, the Health Officer or Zoning Administrator shall be the designated enforcement officer. The Health Officer or Zoning Administrator shall issue tickets and may be the appearing officer at any hearing.

(4) Either in lieu of or in addition to any fine, the Town of West Rutland may request a restitution remedy for all costs and expenses incurred in the course of inspection or issuance and enforcement of any Order, including reasonable attorney's fees.

(5) Violations enforced in Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. Along with any other penalty for violation, the Town of West Rutland may pursue all appropriate injunctive relief, and seek reimbursement for all costs and expenses incurred in the course of inspection or issuance and enforcement of any Order, including reasonable attorney's fees.

VII. 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.

VIII. Effective Date

This chapter shall take effect 60 days following adoption by the Selectboard unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24V.S.A. § 1973.

Adopted

West Rutland Selectboard

John Harvey

Chet Brown

John Center

Robert Bach

Dave Webster

Date: January 9, 2026

Attachment A:

NOTICE OF INTENT TO CONDUCT BUILDING SAFETY INSPECTION

Town of West Rutland, Vermont
35 Marble Street
West Rutland VT 05777
Phone: 802-438-2263
mgoulette@westrutlandvt.org

To: _____
From: Mary Ann Goulette, Health Officer; Jeff Biasuzzi, Zoning Administrator
Date: _____

Pursuant to information available to the Town, it is believed that your building/structure located at _____ may be a Dilapidated Building; defined in the Dilapidated Building Ordinance of the Town of West Rutland as “Any building or structure or part thereof that, whether occupied or vacant, for the lack of proper maintenance, repair, or sanitation, or by reason of abandonment or damage by fire or elements, is hazardous to the health or safety of the public, or presents a threat of damage to other buildings or property, or is otherwise unsuitable for its permitted use.”

Therefore, I have scheduled an inspection of your property on:

I may be accompanied by other West Rutland Officials, State of Vermont Official and/or professionals deemed necessary to assist me with the inspection.

Please call me at 802-438-2263 to confirm whether you will be present at the inspection. If you object to or prohibit an inspection, I may seek a search warrant for the purpose of conducting the inspection. Failure to respond to this notice will be deemed consent.

Respectfully,