

CHAPTER 6 HEALTH REGULATIONS

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6-1 Reference to State Statute

18 VSA 601 et seq of the Vermont State Statutes creates and defines local health officials and the various duties and powers of local health officials. This ordinance is not in derogation of said Statutes and in any instance where there is conflict between the provisions of this ordinance and the State Statute, the provisions of the State Statute shall always prevail.

6-2 Dwellings unfit for human habitation

The governing body has determined and declared that dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of this Town are to be prevented and prohibited within the Town.

6-3 Definitions

Dwelling means any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any out-houses and appurtenances belonging thereto or usually enjoyed therewith.

Owner means the holder of the title in fee simple or permanent, long term or perpetual leasehold.

Parties in Interest means all individuals, associations and corporations which have interest of record in a dwelling and any who are in possession thereof.

Public Authority means any health officer or other official of any department or branch of the government of the Town of Manchester, of the County of Bennington or of the State of Vermont relating to health, fire, building regulations, sanitary conditions, medical care, children or other activity.

Public Officer means the officer or officers who are authorized by this ordinance to exercise the powers described by this Chapter together with and including the officers referred to and designated in 18 VSA 601 et. seq.

6-4 Unlawful acts

No person shall lease, occupy or permit to be occupied as a residence or dwelling any dwelling that is unfit for human habitation or which is dangerous or injurious to the health or safety of its occupants or to the occupants of neighboring dwellings or other residents of the Town. No person shall keep or harbour animals of any kind in such manner as will render a dwelling unfit for human habitation or dangerous or injurious to the health or safety of its occupants or to the occupants of neighboring dwellings or other residents of the Town.

6-5 Public Officer

The health officer appointed pursuant to 18 VSA 601 of the Statutes of the State of Vermont is hereby designated as the public officer to exercise the powers prescribed by this Chapter.

6-6 Petitions by residents and authority to public officer; investigation; notice

Whenever a petition is filed with the public officer by a public authority or by at least five residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the public officer on his own initiative that a dwelling is unfit for human habitation, the public officer shall make a preliminary investigation. If his preliminary investigation discloses a basis for such charges, he shall issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that:

- a) Hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint.
- b. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and
- c) That the rules of procedure set forth in the Vermont Administrative Practices Act shall control in the hearing before the public officer.

6-7 Written findings of fact required; issuance and service of order.

If, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination. He shall then issue and cause to be served upon the owner thereof and parties in interest an order:

a. If the repair, alteration or improvement of said dwelling can be made at reasonable cost in relation to the value of the dwelling, the order shall require the owner, to the extent and within the time specified in the order, to repair, alter or improve the said dwelling to render it fit for human habitation or; at the option of the owner, to vacate and close the dwelling as a human habitation.

6-8 Determination that the building is unfit for human habitation; standards

The public officer may determine that a building is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or residents of the Town. Such conditions may, among others, include the following: defects therein increasing the hazards of an accident or other calamities; lack of adequate ventilation, light or sanitary facility; dilapidation; disrepair, structural defects; uncleanliness, filth, occupation by excessive amount of animals; lack of heat.

6-9 Failure to comply with order to repair or to vacate; consequences; removal of placard prohibited.

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: " This building is unfit for human habitation; the use of occupation of this building for human habitation is prohibited and unlawful."

It shall be unlawful for any person to own, have, keep, maintain or live in any building on which there has been posted a placard as herein provided for, or to remove or to cause the removal of any such posted placard.

6-10 Manner of serving complaints or orders

Any complaint or order issued by the public officer pursuant to the provisions of this ordinance shall be served upon persons either personally or by registered mail. If the whereabouts of such persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, the public officer shall make an affidavit to that effect and the service of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the Town of Manchester. A copy of such complaint or order shall also be posted in a conspicuous place on the premises affected by the complaint or order.

6-11 Additional powers of public officer.

The said public officer is hereby authorized to exercise such powers as may be necessary or content to carry out and effectuate the purpose and provisions of this ordinance in addition to the other powers herein granted, including the powers to:

a) Investigate dwelling conditions in the Town of Manchester in order to determine which dwellings therein are unfit for human habitation.

b) Enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

c) Delegate any of his functions and powers under this Chapter to such police officers, or other municipal employees and agents as he may designate.

6-12 Other powers unaffected.

Nothing in this ordinance shall be construed to abrogate or impair the powers of any department of the Town of Manchester or any agency of the State of Vermont. The powers conferred by this ordinance shall be in addition and supplemental to the powers conferred by any other ordinance, Statute or regulations. Nothing in this ordinance shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to bring other proceedings for the removal or abatement of nuisances by summary proceedings, proceedings in equity or otherwise.

6-13 Penalty

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00. In the case of continuing violations, each day of violation may be treated as a separate violation under this ordinance.

Adopted	07/08/80
Effective	10/21/80*

* Part of 1980 re-codification and re-adoption process