

TOWN OF COLCHESTER SELECTBOARD
P.O. Box 55
Colchester, VT 05446

CERTIFICATE OF AMENDMENT

We, the Colchester Selectboard, hereby certify that pursuant to Chapter 1, Section 104 through 109, of the Colchester Town Charter, held a public hearing, and adopted the following amendment to Chapters 1 (General Provisions), Chapter 4 (Building Code and Construction), Chapter 7 (Fire Prevention) and Chapter 8 (On-Site Sewage Disposal and Potable Water).

Bold – to be added
Strikethrough – to be deleted

See Attached.

DATED this 14th day of May, 2013. EFFECTIVE July 14, 2013.

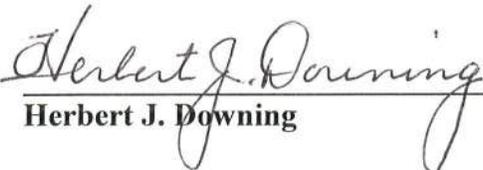
COLCHESTER SELECTBOARD



Nadine Scibek



Marc Landry



Herbert J. Downing

Kathrine Niquette



Thomas Mulcahy

CERTIFICATE OF AMENDMENT
COLCHESTER CODE OF ORDINANCE
CHAPTER 4 – Building Code and Building Code Construction Ordinance

We, the Colchester Selectboard, hereby certify that pursuant to Chapter 1, Section 104 through 109 of the Colchester Town Charter, we held a public hearing after public notice and adopted the following amendments to the Colchester Code of Ordinances, Chapter 4, Building Code and Building Code Construction Ordinance.

Chapter 4

Building Code and Building Construction Ordinance

- Art. I. In General, §§ 4-1 – 4-19
- Art. II. Permits and Fees, §§ 4-20 – 4-39
- Art. III. Unsafe Buildings and Structures, §§ 4-40 – 4-59
- Art. IV. Swimming Pools, §§ 4-60 – 4-67

Chapter 4

Article I. In General

Sec. 4-1. Short title.

This Chapter shall be known as the Colchester Building Code.

Sec. 4-2. Definitions.

Unless otherwise stated, the definitions as given in the listed codes, adopted in Section 4-3, shall be used for the purpose of this ordinance.

Sec. 4-3. Adoption of building codes and safety standards.

- (a) Pursuant to Title 24, Chapter 83, Section 3101 and Title 24, Chapter 59, Section 1971 (e) and (f) of the Vermont Statutes Annotated (V.S.A), the Town of Colchester, for the purpose of establishing rules and regulations governing the construction, inspection, materials, alteration, relocation, demolition, equipment, repair, use occupancy, maintenance and operation of buildings, structures or premises, and for the prevention of fires, removal of fire hazards, prescribing standards necessary to protect the public, employees and property against harm arising out of or likely to arise out of fire, hereby adopts, the herein listed nationally recognized safety standards except such portions as are hereinafter specifically excluded. The adoption of such herein listed standards are incorporated fully from the date on which this ordinance (Ordinance of April 24, 1984) shall take effect, and the provisions thereof shall be controlling in the construction alteration, repair and maintenance of all buildings and structures therein contained within the limits of the Town of Colchester.
- (b) The 2006-“Vermont Fire and Building Safety Code” as amended from time to time and the International Residential Code, excepting Section P2904, as amended from time to time are herein adopted. Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of the Vermont Fire and Building Safety Code and the International Residential Code be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these regulations, except those portions pertaining to the section in question.
- (c) Chapter 7 of the Colchester Code of Ordinance, The Fire Prevention, Fire Protection, and Life Safety Regulations, as amended from time to time is herein adopted and shall supersede the Vermont Fire and Building Safety Code when in conflict.
- (d) The “Americans With Disabilities Act” is, herein adopted.
- (e) Provisions and appendices which are referred to in the adopted articles, sections and chapters shall be utilized to the extent necessary to effectuate the purpose of the adopted articles, sections and chapters and this ordinance.
- (f) In the event there is a conflict between the provisions of the codes adopted by reference in this Section and the other provisions of this Code or ordinances of the Town, the more restrictive Code or ordinance of the Town shall prevail.
- (g) The invalidity of any section of this Code or of the codes hereby adopted shall not invalidate other sections or provisions thereof.

Sec. 4-4. Building Inspector – Appointment.

The Building Inspector (BI) and the Assistant Building Inspector (ABI) shall be appointed by the Town Manager. The Assistant Building Inspector's powers and duties equal those of the Building Inspector. Whenever the BI is designated in this Code, the ABI may fill the same description.

Sec. 4-5. Building Inspector – Duties and powers.

- (a) The BI is hereby authorized and empowered to enforce the provisions of this code relating to the construction, alteration, removal, use and inspection of buildings and other structures in the Town. The BI shall administer the provisions of this code relating to the issue and enforcement of building permits as hereinafter provided.
- (b) The BI shall receive applications required by this code, issue permits and furnish the prescribed certificates. The BI may examine premises for which permits have been issued and make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. The BI shall enforce all provisions of the building code. The BI shall, when requested, by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. The BI shall conduct inspections of the premises to ensure that the rule set forth herein and in Title 24, Chapter 83 of the V.S.A. are being observed. The BI may establish priorities for enforcing these rules based on the relative risks to persons and property. In the course of enforcement of this Code, if the BI finds that a structure, building, facility or construction does not meet the standards found in this Code or in Title 24, Chapter 83 of the V.S.A., the BI may issue an order to repair or rehabilitate a structure, building, facility, or construction shall issue such notice or orders as may be necessary to enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures. The BI shall order such changes in the mode or manner of construction and the materials used as the BI deems necessary for the public safety and may order work to cease. With the exception of unsafe facilities discussed in section below, such order shall not be issued by the BI until the party in violation of this Code has been provided notification of said violation and granted a period of not less than seven (7) days after the party in violation of this code has been notified to correct the said violation.

Additionally, pursuant to 24 V.S.A., Chapter 59 and ~~24 V.S.A. Chapter 117,~~ authority is granted to “municipal officials,” the BI shall serve as the “municipal official” or “enforcement officer” for the Town of Colchester for the purpose of enforcing these building code and building construction regulations, ~~and they~~ Said municipal officials shall possess all the authority granted such official in the enforcement of said regulations. Town officers, upon being designated as deputy municipal officials by, and subject to the overall direction of, the BI, shall serve as municipal officials and shall possess all the authority of a municipal official in the enforcement of said regulations.

- (c) All applications required by the Code shall only be issued after the BI has reviewed and found said applications to be in compliance with Chapter 7 of the Colchester Code of Ordinance. Where conflicts occur between this Ordinance and Chapter 7, the more restrictive shall prevail.
- (d) Inspections required under the provisions of the building code shall be made by the BI. The BI may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provisions of the building code shall be issued based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (e) The BI shall adhere to all legal requirements and shall have benefit of all legal means of inspection now or hereafter required or available under law.

Sec. 4-6. Appeals.

Appeals in the case of the issuance of a ticket under Section 4-7 below shall be governed by the provisions of 4 V.S.A. Chapter 29. All other appeals shall be governed by Title 24, Chapter 83 of the V.S.A. and the following provisions:

- (a) ~~Any interested person, as provided in 24 V.S.A. Section 4465(b), aggrieved by an order of the BI made in accordance with the provisions of this Chapter, may appeal by way of a petition in writing to the Selectboard setting forth reasons for petition, filing such petition with the Town Clerk and giving the Town Manager a copy thereof. Such petition shall be filed within five (5) days after the receipt from the BI of their order. Upon the receipt of a copy of said petition, a meeting of the Selectboard will be called to consider the facts set forth in the petition. The Selectboard shall take such action concerning the premises as they shall deem best.~~ Interested persons are persons aggrieved by the order on appeal, and include but are not limited to the BI, the applicant, the person or entity owning title to the property affected by the decision, and/or the aggrieved person’s architect or builder.

- (b) ~~The Selectboard may affirm or reverse such order of the BI or may modify the same, but such modification shall fall within the express or necessarily implied provisions of this Chapter relating to such subject matter so considered. The action of the Selectboard upon such petition shall be certified by the Town Clerk delivered to the BI and to the aggrieved party signing the petition.~~
- (c) ~~At the discretion of the appellant, an appeal pursuant to this Section 7-6 may be taken to the board of arbitrators discussed in subsection (b) below or to the Criminal Division of the Vermont Superior Court. Such appeal shall be filed within five (5) business days after the receipt of the order being appealed. The taking of the appeal shall operate as a stay. The board of arbitrators or the court shall have the power to annul, amend, modify, or affirm the order of the building inspector.~~
- (d) ~~Should the appellant choose to appeal to a board of arbitrators, the appellant shall file with the BI a notice of appeal setting forth the reasons for the appeal by personal delivery or by leaving said notice of appeal at the office of the BI. A copy of said notice of appeal shall also be provided to the Town Clerk. The board of arbitrators shall be assembled and composed as described in 24 V.S.A. § 3110. A decision of a majority of the board of arbitrators thus composed, when reduced to writing, sworn to and filed in the BI's office, shall be final and conclusive upon the parties. Upon the filing of such decision, work may be immediately resumed in accordance therewith. The expense of such arbitration shall be paid by the appellant.~~
- (e) ~~Should the appellant choose to appeal to the Criminal Division of the Vermont Superior Court, the appellant shall file a Complaint with the court, and shall provide copies to the BI and the Town Clerk. Pursuant to 24 V.S.A. § 3111, the judge shall forthwith inquire into the facts or by a committee appointed by the Court, and make such order as the Court deems proper under the circumstances. In the Court's discretion, it may tax costs in favor of the prevailing party and issue execution therefore. Upon the entry of judgment, work may be immediately resumed in accordance therewith.~~

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Sec. 4-7. Penalty for violations.

A violation of these regulations shall constitute a civil ordinance violation. Each day that a violation continues shall constitute a separate offense. Offenses may be prosecuted through the issuance of a municipal civil complaint ticket ~~or the commencement of an enforcement action as described below.~~

- (a) *Municipal Civil Complaint Ticket.*
 Pursuant to 24 V.S.A. Chapter 59 and 4 V.S.A. Chapter 29, any designated enforcement officer, as referenced in section 19.02 above, may commence prosecution for any zoning violation by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of ~~one two~~ two hundred dollars (\$~~2~~400.00), the waiver fee shall be ~~fifty one~~ hundred dollars (\$~~10~~50.00); a second offense ticketed for the same violation shall be punishable by a fine of ~~two four~~ four hundred dollars (\$~~4~~200.00), the waiver fee shall be ~~one two~~ two hundred dollars (\$~~2~~400.00); a third offense ticketed for the same

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violation shall be punishable by a fine of ~~five-eight~~ hundred dollars (\$8500.00), the waiver fee shall be ~~two-four~~ hundred and ~~fifty~~ dollars (\$250400.00). Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to the Environmental Court, or any other court of competent jurisdiction.

- (b) ~~Enforcement Action under 24 V.S.A. Chapter 117.~~
~~An enforcement action may be brought under 24 V.S.A. Section 4451 for any violation of this ordinance. Pursuant to an enforcement action, any person who violates this ordinance shall be fined not more than one hundred dollars (\$100) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days' warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of the by-law or ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. In default of payment of the fine, such person, the members of any partnership, or the principle officers of such corporation, shall each pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town.~~
- (c) Violations by Owners. The owner or mortgagee of a building, structure or premises which is in violation of this Chapter and ~~any architect, builder, contractor, agent, person or corporation employed in connection therewith and~~ and/or any other person who may have assisted in the commission of such violation, shall each be subject to fine as herein provided,.
- (d) Appropriate Action. The imposition of the penalties herein prescribed shall not preclude the Town from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

Article II. Permits and Fees

Sec. 4-20. Permits – Required; plans and estimates to be submitted.

No wall, building or other structure or part thereof shall be built, enlarged, moved, demolished, repaired or occupancy use changed until a plan of the proposed site and

work, together with a statement of the materials to be used and an estimate of the total cost of the project, shall have been submitted to the BI; and who shall, if said plan and materials are in accordance with the provisions of this Chapter, the building code and the zoning bylaws, issue a permit for the proposed construction.

Sec. 4-21. Permits - Sanitary facilities and potable water.

No permit for the construction of any building to be used for human habitation or for the alteration of any building so as to render it usable for human habitation shall be issued unless:

- (a) Each dwelling unit is connected to either a municipal sewer main or an approved and permitted private sewage disposal system and shall have at least one approved toilet, one bathroom sink, one tub or shower bath and one kitchen-type sink; and
- (b) Each dwelling unit is connected to an approved potable water supply that serves all plumbing fixtures in Section 4-21(a).

Sec. 4-22. Permits – Conditions for issuance.

No permit shall be granted until the required fee has been paid and until the BI is satisfied that the issuance of such permit will not be in violation of any Town bylaws, ordinances, or regulations.

Sec. 4-23. Permits – Duration.

No permit granted pursuant to this article shall be valid after one year, unless fifty (50) percent of the work to be done under it shall have been completed during such period. In any case, all work must be completed within two (2) years from the date of issue of the permit unless an extension has been granted.

~~The BI may extend the permit for a specified period (not to exceed 6 months) upon finding of objective evidence of the intent and effort to pursue the project for which the permit was issued.~~

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Sec. 4-24. Fees.

- (a) Every person applying for a permit shall pay a fee for such permit in accordance with the schedule of fees listed in Colchester’s Fee Ordinance Chapter 6 ½ and as amended by the Selectboard from time to time.
- (b) No significant change in the construction of a project, as authorized by a valid building permit, shall be made until there shall have been submitted to the BI a detailed plan of such proposed changes, an appropriate adjusted fee has been paid, and a supplemental permit or permit amendment has been issued.

- (c) If a building, alteration, extension or repair of a building is begun without the payment of such fee and without such permit, the builder and owner shall both be deemed to have violated the provisions of this article.

Sec. 4-25. Exemptions.

- (a) No building permit or building permit fee will be required for minor renovations or repairs when the following conditions are met:
 - (1) The cost of the materials is less than two thousand five hundred dollars (\$2,500.00); and
 - (2) The work is to the interior or an exterior in-kind repair; and
 - (3) The work does not result in a change in the occupancy or use of the structure; and
 - (4) The work does not include the installation of a woodstove, pellet stove, or gas stove.

- (b) No permit or fee shall be required for new roof covering, siding, all windows and doors, carpeting, draperies, painting, installation of personal property and floor covering.

Sec. 4-26. Moving of buildings.

- (a) Permit required.

The owner of a building or structure shall not move or cause to be moved such building or structure until a permit has been obtained from the BI.

- (b) Conditions for permit.

The permit holder shall be liable for any damage done to any trees, public utilities or any public property within the street right-of-way or damage to any private property; and shall also specify the streets through which, and the time within which, the building shall be moved.

Sec. 4-27. Buildings not in conformity to be removed.

Buildings or structures hereafter erected or moved without a permit, not in conformity with this Chapter, shall be removed.

Article IV. Fire Protection Measures

Sec. 4-28. Fire Protection Measures.

The following shall be required for new structures, existing structures, and renovations of existing structures exceeding twenty-five percent (25%) of the total area of the structure within a ten (10) year period or adding an additional fuel dispensing pump:

- (a) Exemptions.

Except as otherwise required in Section 7-10 and 7-11 in Chapter Seven of the Colchester Code of Ordinances, the following are exempt from Section 4-28 herein: 1) accessory structures; and 2) residential structures containing three (3) or less units. Except as otherwise required in Section 7-10 and 7-11 in Chapter Seven of the Colchester Code of Ordinances, the following are exempt from Sections 4-28(e) through (h) and Section 4-28(m) herein: residential structures of four (4) or more units in which the units are primarily accessed directly by an exterior door and not an internal hall.

(b) New Structures.

All new structures shall comply with section (e) through (m) herein unless said structure is herein exempted.

(c) Renovations to Existing Structures.

For renovations of existing structures exceeding twenty-five percent (25%) of the total area of the structure within a ten (10) year period the following sections (e), (f), (h), (i), (j), (k), (l), and (m) herein shall apply unless said structure is herein exempted.

(d) Existing Structures.

All structures shall comply with section (e) and (f) herein by January 1, 2012 unless herein exempted. If there is a sprinkler system present in a structure, the system's Standpipes, Fire Department Connection, and Locator Light shall be installed to the specifications herein in sections (j), (k), and (l) by January 1, 2012 unless said structure is herein exempted.

(e) Access Box.

A General Electric Company Supra Safe Model 2HSTS or Model 2HSRTS shall be installed immediately adjacent to the primary entrance of a building on its exterior. If an alarm is installed in the structure, the trembler alarm device for the access box shall be connected to the structure's alarm or fire alarm. If there is a gated perimeter fence on the property, the access box shall be located immediately adjacent to the exterior of the gate. The property owner shall be responsible for ensuring that the keys are updated whenever locks are changed. Keys must be provided for all rooms and areas of a facility. Each box shall contain the following keys.

- (1) Perimeter gate access key (where applicable).
- (2) Fire alarm panel access key (where applicable).
- (3) Structure alarm key (where applicable).
- (4) One (1) master key for each floor of the structure.
- (5) Structure sprinkler shutoff key (where applicable).
- (6) Elevator key (where applicable).

(7) Keys to exterior controls for automatic overhead doors.

(8) Additional keys as determined necessary by the BI.

(f) Fire Alarms.

(1) A local fire alarm system shall be designed and installed in accordance with the NFPA 72 National Fire Alarm Code and the local fire alarm system shall retransmit to an approved central station.

(2) The Fire Alarm panel shall be located convenient to the primary access of the building.

(3) Digital fire alarms shall be programmed to indicate location as defined by the BI.

(g) Elevators.

Elevators shall have a minimum two-thousand, five-hundred pound lift-capacity to accommodate a standard size stretcher with two (2) attendants. The floor area shall be a minimum of eighty-four (84) inches long and a minimum of fifty-three (53) inches wide. The elevator doors shall be wide enough and positioned correctly so that the twenty four inch by eight-four (84) inch stretcher may be wheeled into place without needing to tilt the stretcher from the horizontal position.

(h) Evacuation Plans.

An evacuation plan for the structure shall be posted within the structure in accordance with NFPA regulations. A copy of the current evacuation plan shall be filed with the Colchester Police Department and appropriate Fire Department.

(i) Fire Suppression Systems.

All fire suppression systems shall be installed and maintained annually in accordance with the manufacturer's specifications and all applicable NFPA codes and standards. The water service size shall be adequate to serve the suppression system. Fire suppression systems shall be required as follows:

(1) All fuel dispensing and refueling stations shall install and maintain fire suppression systems as specified in NFPA 1 "Fire Prevention Code," NFPA 101 "Life Safety Code," and NFPA 30 "Flammable and

Combustible Liquids Code”. Marine refueling facilities shall have at least two (2) portable extinguishers located in two (2) separate places within the refueling area of sufficient size in accordance with NFPA regulations. Fuel dispensing and refueling stations exclusively for fleet vehicles shall be exempted from the installation and maintenance of fire suppression systems.

- (2) Residential structures, except as herein exempted, containing four (4) or more units shall have a sprinkler system installed.
- (3) Structures ten-thousand (10,000) square feet or larger shall have a sprinkler system installed. The following structures are exempted from the above-stated requirement: salt sheds; green houses; plastic tent structures; barns, and plastic riding stables or similar structures as determined by the BI.
- (4) Mechanical rooms shall have a sprinkler system installed.
- (5) Stories fully below grade that are two-thousand, five-hundred (2,500) square feet or greater shall have a sprinkler system installed.

(j) Standpipes.

All structures that have a sprinkler system installed with three or more floors above the average pre-construction grade shall have standpipes. All structures with standpipes shall install a gated valve and two-and one-half-inch (2.5”) national standard thread fitting on each standpipe station. Each fitting shall have a cap that incorporates a one-and-one-half-inch (1.5”) iron pipe standard thread fitting with cap.

(k) Fire Department Connection.

All sprinkler systems shall be equipped with a four-inch (4”) STORZ fire department connection (FDC) located in such a manner as to be accessible from the designated fire-lane per Chapter Seven of the Colchester Code of Ordinances.

(l) Locator Light.

A flashing red light shall be mounted on the highest portion of the exterior wall at a point directly above the Fire Department Connection. The light shall be activated when the building fire alarm is activated whether the sprinkler system has activated or not.

(m) Roof Vents.

Automatic roof vents shall be required for non-residential structures of an open nature that are ten thousand (10,000) gross square feet or greater in accordance with Table 910.3 of the 2006 International Building Code.

Article IV. Unsafe Buildings and Structures

Sec. 4-40. Definition; application.

The term “unsafe building or structure” shall apply to buildings or structures, or portions thereof, existing or hereafter erected, as follows:

(a) Those deemed by the BI or FC to be structurally unsafe; unstable; unsanitary; constituting a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constituting a hazard of health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; presence of an imminent hazard or an ongoing event associated with features such as damaged or leaking underground gas mains, railroad cars, aircraft, automotive vehicles, and water craft; or otherwise dangerous to life or other property;

(b) Vacant buildings or structures, or portions thereof, deemed by the BI or FC to constitute a hazard.

Sec. 4-41. Removal or making safe upon order.

When a building or structure, or any portion thereof, is found unsafe upon inspection by the BI, the BI shall order such building or structure, or any portion thereof, to be made safe, or closed and secured, or taken down and removed.

Sec. 4-42. Restoration.

A building or structure, or any part thereof, declared unsafe by the BI may be restored to safe conditions. However, if the damage or cost of reconstruction or restoration is in excess of fifty (50) per-cent of the value of the building or structure, exclusive of foundations, such buildings or structures, if reconstructed or restored, shall be made to conform with respect to materials and type or construction, to the requirements of this Code. No change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

Sec. 4-43. Notice.

Upon determining that a building or structure, or portion thereof, is unsafe, the BI shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees, mortgagees, or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure or portion thereof deemed unsafe, a statement of the particulars in which the building or structure or portion thereof is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by the BI. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

~~Sec. 4-44. Emergency work.~~

Comment [CB1]: Consider moving Section 4-44 so that it is the last section of Article IV.

~~(a) Notice. In case there shall be, in the opinion of the BI, actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger life person or property, or if the structure would be especially unsafe in case of fire, the BI shall so notify the owner or interested party (ies) and fix in a conspicuous place upon exterior walls a notice of its dangerous condition.~~

~~(b) Action to be taken. Any person notified as provided in subsection (a) shall, within twenty-four (24) hours of the day following the service of such notice, commence to secure or remove such structure, and shall employ sufficient workmen speedily to secure or remove it. However, if the public safety so requires, and if the Town Manager Selectboard so orders, the BI shall immediately enter upon the premise with the necessary workmen and cause said structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for protection of the passers-by.~~

~~(c) Costs. The costs and charges incurred by the Town with respect to this Section 4-44 shall constitute a lien upon the land upon which such building is situated, and said owner or person interested shall, for every day's continuance of such refusal or neglect, be subject to a fine as provided by subsection 4-7(c) of this Code.~~

Comment [CB2]: Note that numbering of Section 4-7 may change, so this reference may need to be altered.

Sec. 4-44~~5~~. Survey upon failure of owner to comply; report.

If the owner, agent or person interested in such unsafe structure refuses or neglects to comply with the requirements of an order within the time limit specified, a careful survey of the premises shall be made by a board consisting of a surveyor, the chief engineer of the fire department, and one disinterested person to be appointed by the BI. ~~The BI the Town Engineer or a registered professional engineer or a registered land surveyor, and two disinterested persons to be appointed by the Town Manager who shall fix the fee for~~

services of such person so appointed. A report of such survey shall be made in writing and a copy thereof served on the owner, agent or other person interested.

Sec. 4-456. Disregard of unsafe notice and survey report.

If the report declares such structure to be unsafe and if the owner, agent or person interested continues such refusal or neglects to remove or make the building safe, the BI may cause the building or structure to be taken down or otherwise made safe. The costs and charges incurred shall constitute a lien upon the land upon which such building is situated, and said owner or person interested shall, for every day's continuance of such refusal or neglect, be subject to a fine as provided by subsection 4-7(e) of this Code.

Comment [CB3]: Note that reference may need to be updated if Section 4-7 is renumbered.

Sec. 4-467. Vacating unsafe unsafe facilities, buildings or structures and closing street.

When a building or structure or facility, or portion thereof, is determined by the BI to constitute an unsafe facility, building, or structure, the BI in consultation with the Police Department and the Public Works Department may order the closure of such facility and in an unsafe condition so that life is endangered thereby, the BI may order and require the occupants to immediately vacate the same forthwith premises, if by doing so the public safety will not be imperiled. If public safety would be imperiled, the BI shall order demolition and removal of the structure, or fencing of the premises. Facility closure may include, but shall not be limited to: closure of public rights-of-way; closure of private ways; closure of buildings, structure and facilities; and closure of areas adjacent to unsafe facilities. Such facilities may be partially or completely open again at such time as deemed safe by the BI. The BI shall, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used use all available media and means of communication to inform occupant(s) and/or the public of facility closure in a timely manner.

Sec. 4-47. Emergency work.

Comment [CB4]: Consider moving Section 4-44 so that it is the last section of Article IV.

- (a) *Notice.* In case there shall be, in the opinion of the BI, actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger person or property, or if the structure would be especially unsafe in case of fire, the BI shall so notify the owner or interested party (ies) and fix in a conspicuous place upon exterior walls a notice of its dangerous condition.
- (b) *Action to be taken.* Any person notified as provided in subsection (a) shall, within twenty-four (24) hours of the day following the service of such notice, commence to secure or remove such structure, and shall employ sufficient workmen speedily to secure or remove it. However, if the public safety so requires, and if the Selectboard so orders, the BI shall immediately enter upon the premise with the

necessary workmen and cause said structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for protection of the passers-by.

(c) Costs. The costs and charges incurred by the Town with respect to this Section 4-44 shall constitute a lien upon the land upon which such building is situated, and said owner or person interested shall, for every day's continuance of such refusal or neglect, be subject to a fine as provided by subsection 4-7 of this Code.

Comment [CB5]: Note that numbering of Section 4-7 may change, so this reference may need to be altered.

Article V. Swimming Pools

Sec. 4-60. Definition.

A "swimming pool" is any constructed or prefabricated pool used for swimming or bathing whether private or public located above or below ground, twenty-four (24) inches in depth or greater or with a surface area exceeding two hundred fifty (250) square feet.

Sec. 4-61. Applicability of article.

The requirements of this article shall be applicable to all new and existing swimming pools and no person in possession of land which a pool is or shall be situated shall fail to provide and maintain the equipment, fence or wall and facilities' required herein.

Sec. 4-62. Enclosure required.

Every outdoor swimming pool shall be completely surrounded by a fence or wall of not less than four (4) feet in height which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. However, freestanding pools with essentially smooth, vertical exterior walls at least four (4) feet in height measured on the outside surface shall not require additional enclosures except that all points of pool access which shall comply with section 4-63.

Sec. 4-63. Gates and doors.

All gates and doors opening through an enclosure shall be equipped with self-closing and self-latching devices for keeping such gates or doors securely closed at all times when not in use for ingress and egress, except a door of any dwelling which forms a part of the enclosure need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet above the ground.

Sec. 4-64 Modification of requirements permitted.

The Health Officer and BI may make modifications in individual cases upon showing of good cause, with respect to the requirements of enclosing swimming pools, so long as the degree of protection afforded by substitute devices or structures is not less than the protection sought by this article.

Sec. 4-65. Pool location.

- (a) No swimming pool shall be constructed on a required front yard nor closer to any side or rear property line than allowed by the zoning bylaw for an accessory structure.
- (b) Location of swimming pools other than private pools shall be subject to site plan review by the Development Review Board.

Sec. 4-66. Electrical installation.

- (a) All electrical connections shall be properly grounded and shall be further protected by a ground-fault circuit interrupter.
- (b) No pool shall be constructed or used that has overhead electrical wires crossing the pool area.
- (c) All lighting used in conjunction with the pool shall be so situated that there is no direct glare beyond the lot line.

Sec. 4-67. Safety appliances required.

Safety appliances, consisting of at least one ring buoy with line the width of the pool attached and one pole longer than half the width of any pool shall be readily accessible and shall be in plain view whenever there is water within a swimming pool.

May 14, 2013

DRAFT CHAPTER 4

Dated this 14th day of May 2013. Effective July 13, 2013.

COLCHESTER SELECTBOARD

Nadine Scibek

Herbert Downing

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Marc Landry

Thomas Mulcahy

Kathrine R. Niquette

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