

Town of Fairfax
Building Inspection, Code Enforcement, and Fire Safety Ordinance

Adopted 12-5-2014

Civil Ordinance

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Section 1 – Authority

This ordinance is enacted pursuant to the authority granted to the Town under 20 V.S.A. § 2736 & 24 V.S.A. Chapter 59.

As authorized by 20 V.S.A. § 2736(a), the Commissioner of the Department of Public Safety has entered into a Cooperative Inspection Agreement with the Town of Fairfax, dated _____, authorizing the Fairfax Fire Department to conduct building inspections and enforce the Vermont Fire & Building Safety Code.

The Town of Fairfax will be responsible for the inspection of buildings, as assigned by the Commissioner in the agreement dated _____, or any subsequent agreement.

Section 2 – Purpose

This ordinance is intended to reduce the hazards to persons and property within the Town of Fairfax, through the enforcement of Vermont Fire & Building Safety Codes.

Section 3 – Definitions

Except as defined below, the definitions contained in the Vermont Fire & Building Safety Code, as amended from time to time by the State of Vermont, Division of Fire Safety, and the nationally recognized safety standards referenced therein, adopted by reference in Section 4 of this ordinance, shall apply to this ordinance.

For the purpose of this ordinance, the definitions contained in 20 V.S.A. § 2730, including, without limitation, the definition of “public building”, shall also apply to this ordinance.

Additionally, the following terms shall have the specific definitions set forth below;

Authority having Jurisdiction (AHJ) - Those individuals responsible for the enforcement of the VT Fire & Building Safety Code, pursuant to the Cooperative Inspection Agreement between the State of Vermont and the Town of Fairfax.

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Cooperative Inspection Agreement – Legal document that assigns responsibility for inspections and enforcement of the Vermont Fire & Building Safety Code, in the Town of Fairfax, to the Fairfax Fire Department

Dwelling Unit – A building or portion thereof designed, used, constructed or occupied as separate living quarters for one (1) household, which includes independent and exclusive cooking, sleeping, and sanitary facilities for a household, and direct access to the unit from the outside of the building, or through a common hallway. This term may include single family, two family, multi-family, Townhouse or Condominium dwellings.

Fire Department – Fairfax Fire Department.

IBC – International Building Code, a nationally recognized code that details the minimum requirements to which a building or structure shall be constructed, renovated, or altered. This code is amended and adopted via legislative authority by the State of Vermont.

NFPA – National Fire Protection Association, the organization that creates consensus documents that are nationally recognized and contain minimum required fire prevention codes and standards for the protection of life and property. These codes are amended and adopted via legislative authority by the State of Vermont.

Public Building – shall have the same meaning as defined in 20 V.S.A. § 2730.

Selectboard – the legislative body of the Town of Fairfax

Town – The Town of Fairfax

Vermont Fire & Building Safety Code – the comprehensive document comprised of State and Nationally recognized codes and standards for the public safety from fire, explosions, and dangerous substances, as amended and adopted by the State of Vermont pursuant to 20 V.S.A., Chapter 173.

Section 4 – Fire Code Adoption by Reference

- (1) The Town of Fairfax henceforward adopts the most current Codes and Standards as amended and adopted by the State of Vermont, Division of Fire Safety.
 - (a) Including, but not limited to;
 1. Vermont Fire & Building Safety Code
 2. NFPA 1
 3. NFPA 101
 4. NFPA Codes referenced by NFPA 1 & 101
 5. The International Building Code, IBC

Section 5 – Solar Photovoltaic Systems

- (1) All building-Mounted Solar Voltaic Installations, installed after this ordinance becomes effective, shall be installed in accordance with the most current edition of NFPA 1, that has been adopted by the State of VT. No residential buildings shall be exempt.
- (2) Fairfax PV Solar System Installation Checklist shall be required for all Building Mounted Solar Voltaic Installations.
- (3) Prior to installing a building-mounted Solar PV System, plans for the layout of panels & the roof on which they will be installed, shall be submitted to the FD along with a completed Fairfax PV Solar System Installation Checklist, for review and approval.
- (4) Building mounted arrays that do not have the specified “eve to ridge” pathways and “ridge setbacks” as outlined in NFPA 1, shall not be approved.
- (5) Conduit runs shall not restrict access to “pathways” and/or “ridge setbacks”.
- (6) After the panels and conduit are installed, and prior to placing the array into service, the installation shall be inspected by the FD, to verify compliance with NFPA 1 setbacks, and pathway requirements.
- (7) Applicable Construction Permit and/or Electrical Work Notice shall be obtained from the VT Division of Fire Safety.

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Section 6 – Elevators

- (1) All newly installed elevators installed in Multi-family or other Public building shall be required to accommodate the loading of an Ambulance Stretcher that is 24” X 84”, in its horizontal, open position, along with 2 EMS personnel and their equipment. The entry of the elevator shall permit the stretcher to be loaded into the elevator without the need to adjust the position of the patient platform. If multiple elevators installed as a bank (common lobby area) only one elevator shall be required to meet this requirement. If part of a bank of elevators, the Ambulance Stretcher compliant elevator shall have AHJ approved signage to indicate it as such.

Section 7 – Rental Registry

In order to provide Town Officials with up-to-date emergency contact information for residential properties in the Town of Fairfax, other than owner occupied occupancies, the Town of Fairfax will collect this information through a “rental registry program”.

The Rental Registry program shall include all residential occupancies with dwelling units that are not owner occupied.

- (1) Property owners shall complete a rental registry form on an annual basis.
- (2) The following information shall be provided by property owners;
 - (a) Address of property
 - (b) Contact information for property owner, including; name, mailing and/or physical address, telephone number, email address
 - (c) Contact information for property management agent, including; name mailing address, telephone number, email address
 - (d) The number of dwelling units located within the building, and the 911 addresses assigned to the units
- (3) The following additional information may be provided, allowing for more expedient contact of all affected parties following an incident at the rental property.
 - (a) Contact information for any “local” emergency contact person
 - (b) The names and contact information for tenants residing in the building
- (4) Upon transfer of ownership of any property on the rental registry, the new owner shall complete a new rental registry form with updated information.
- (5) Upon a previously owner occupied residence becoming a rental unit, the owner shall complete a rental registry form.
- (6) Any property owner that has tenants, and fails to complete a rental registry form identifying their property as a rental property shall be subject to a civil penalty
- (7) Fees and civil penalties shall be listed on the Fairfax Fire Department Fee Schedule

Section 8 – Fire Safety Inspector

The Fire Safety Inspector (Inspector) shall be an employee of the Fairfax FD, that has been approved by the Commissioner of the Vermont Department of Public Safety. The Inspector shall have a minimum NFPA certification of Certified Fire Inspector 1.

Section 9 – Powers & Duties of Inspector

- (1) The Inspector shall have and exercise all powers of an AHJ in making the inspections required in this ordinance.
- (2) The Inspector shall keep a record of all inspections on file at the Fire Department.
- (3) The Inspector shall share inspection information with the VT Division of Fire Safety, as required in the Cooperative Inspection Agreement.

Section 10 – Inspector to Make Inspections of Buildings

- (1) The Inspector shall be authorized to make a careful inspection of any public buildings and premises within the Town of Fairfax.
- (2) Upon receiving a complaint from a citizen, or request of an AHJ, the Inspector shall investigate any report involving a public building or premises reported as being unsafe or hazardous, having code violations, or containing unsafe or combustible materials.
- (3) Upon request for a “Change of Ownership” inspection of a Dwelling Unit within a “Public Building”, the Inspector shall perform an inspection to check for Code Compliance of said Dwelling Unit and premises.
- (4) The Inspector shall attempt to make contact with property owner (using contact information from rental registry form) prior to investigating any complaint that is not of a life-safety nature. Contact with property owner shall be made as soon as possible.
- (5) Any violations observed in a public building not covered in the Cooperative Inspection Agreement shall be reported to the Vermont Division of Fire Safety.

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Section 11 – Inspector to be Permitted Entry into Premises

- (1) For the purpose of inspecting buildings and carrying out other responsibilities under this ordinance, the Inspector may, at all reasonable times (9am – 9pm for residential), have access to and enter into any land, premises, and buildings in the Town of Fairfax.
- (2) Prior to entering a one and two family dwelling, where the unit is entirely owner-occupied, the Building Inspector shall first obtain the consent of the owner of the dwelling.
- (3) Where permission to enter a owner-occupied dwelling is granted, the provisions of this ordinance shall apply.
- (4) Where permission to enter an owner-occupied one and two family dwelling is refused, or not available;
 - (a) The Inspector shall seek a warrant, or other authorization provided by law, prior to entry.
 - (b) Where the Building Inspector reasonably determines that an emergency situation exists, entry may be made.

Section 12 – Refusal to Permit Entry

Except as provided above, no person shall refuse to allow the Building Inspector to enter upon or into their premises or buildings, at a reasonable time, for the purpose of carrying out their responsibilities under this ordinance. Furthermore, no person shall attempt to prevent any inspection outlined in this ordinance, or obstruct the Building Inspector for carrying out their duties.

Section 13 – Inspections

(1) General Fire Safety Inspection

- (a) General Fire Safety Inspections of existing units shall be performed utilizing the Codes and Standards referenced in Section 4 of this ordinance.
- (b) A General Fire Safety Inspection shall be performed in response to a complaint by a citizen, or other AHJ official, in regards to a possible code violation, fire hazard, or other unsafe condition.
- (c) Any Violations of the VT Rental Housing Health Code, that are observed, shall be shared with the Fairfax Town Health Officer.

(2) Inspection Reports

Following a General Fire Safety Inspection, the Building Inspector shall generate a report of any violations or deficiencies found during said inspection. A copy of the report shall be forwarded to the property owner, or their designee, including a time line in which the violations and/or deficiencies need to be addressed/corrected. If any violation and/or deficiencies is of such a nature that it must be addressed immediately, the owner or their designee shall be informed at the time of the inspection, if present.

(3) Follow-up Inspections

- (a) There is no fee for the initial or first follow-up inspection, resulting from a complaint by a citizen, or other AHJ official, in regards to a possible code violation, fire hazard, or other unsafe condition.
- (b) If the owner fails to correct the violations or deficiencies found during the initial inspection, prior to the follow-up inspection, and additional follow-up inspections are required to verify that the violations or deficiencies have been properly resolved, the owner will be responsible for a “re-inspection fee” as outlined on the “Fairfax Fire Department Fee Schedule”.
- (c) Re-Inspection fees will be the responsibility of the property owner, and will be due prior to any follow-up inspections following the first follow-up inspection.
- (d) Violations and deficiencies shall not be considered corrected or resolved until all associated fees have been paid, and therefore further penalties may be accrued, as they would if the violation or deficiency had not been corrected.
- (e) A failure to pay the re-inspection fees within the time frame above is a violation of this ordinance.

(4) Change of Ownership Inspection

- (a) Upon request by an owner, agent, attorney, or lender, prior to the transfer of a multi-family residence, or single dwelling unit within a public building, such as a duplex, town house, or condominium, the Building Inspector will conduct a “Change of Ownership” Inspection.
- (b) A request for a Change of Ownership Inspection shall be submitted utilizing the “Fairfax Change of Ownership Inspection Request” form, which shall include;
 1. Property and current owners information, along with the proposed closing date
 2. Payment of the fee associated with this inspection, as set forth on the “Fairfax Fire Department Fee Schedule”

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Change of Ownership Inspection (continued)

- (c) A request for a "Change of Ownership Inspection Request" should be submitted ten (10) days in advance of the proposed closing date, to ensure that the inspection can be performed, and any violations found to be corrected, prior to the closing date.
- (d) The party requesting the Change of Ownership Inspection shall be responsible for ensuring payment of associated fees.
- (e) The Change of Ownership Inspection shall utilize the Codes and Standards referenced in Section 4 of this ordinance.
- (f) The key areas that this inspection shall include;
 - 1. Primary and secondary means of egress
 - 2. Smoke and Carbon Monoxide Detection devices
 - 3. Code compliant handrails, and guards
 - 4. Verification of heating system inspection by qualified technician
 - 5. Verification of presence of, and inspection of required fire extinguishers/fire suppression systems
 - 6. Required GFCI protection, and observable electrical hazards
 - 7. Any other Code violation or deficiencies that can be observed
- (g) Violations and/or deficiencies identified during the inspection shall be corrected prior to the occupancy of the property, following its sale.
- (h) One Follow-up Inspection shall be included with the fee for the Change of Ownership Inspection.
- (i) Additional Follow-up Inspections to verify violations or deficiencies not resolved prior to the Follow-up inspection, have been resolved, shall be subject to a fee, as outline on the "Fairfax Fire Department Fee Schedule". This fee shall be due prior to subsequent inspections.
- (j) A Change of Ownership Inspection shall be valid for the period of one year from the date of inspection, or for one transfer of ownership.

Section 14 – Suspension of Permit & Stop Work Notice

- (1) The Inspector may issue a stop work order, and/or order a property vacated if the he or she believes a threat to public safety, or other exigent circumstances exist.
- (2) The Inspector shall report any condition that requires a Stop Work Notice in a Public Building to the VT Division of Fire Safety.
- (3) The Town of Fairfax may decline to issue permits to any individual, partnership, firm, corporation, or other legal entity that has had multiple violations of the Fire & Life Safety Code, Town Ordinances, or has otherwise demonstrated a pattern of incompetence or disregard for safe practices.

Section 15 – Fire Department Key Box

- (1) Buildings meeting any of the following criteria shall be required to install a Fire Department Key Vault;
 - (a) Building is equipped with a commercial fire alarm system, (monitored local or remotely)
 - (b) Building is equipped with an automatic fire suppression system, (water, dry chemical, or clean agent)
 - (c) Fire Department responds to building on a regular basis, and a lack of access is an issue
- (2) The make and model of the required key vault shall be at the discretion of the Fire Department (the size of the vault will be determined by the number of keys that will be required to be located within it).
- (3) The location of the key vault shall be at the discretion of the Fire Department (will normally be in close proximity to the designated entry point for the Fire Department).
- (4) At the request of the Fire Department, additional key vaults shall be required for larger facilities, where multiple points of access will be utilized.
- (5) Two complete sets of keys shall be provided for buildings that will require keys to be utilized within the building.
 - (a) This will allow multiple teams of Firefighters to enter the building to investigate, and mitigate the event that initiated their response.
 - (b) Additional sets of keys shall be required at the discretion of the Fire Department for larger commercial buildings, or multi-floor resident buildings.
 - (c) Keys for the following door locks shall be provided; exterior doors, offices, electrical, elevator, mechanical, and storage room doors, doors to community rooms and kitchens, and entry doors for apartments. Any additional keys required to gain access to the fire suppression systems and fire alarm panel shall also be provided.

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Section 15 – Fire Department Key Box (continued)

- (6) A single set of keys will be required for a building, if the Fire Department determines that it will be fully accessible once the exterior door has been opened, and additional sets of keys will not be required.
- (7) The property owner shall be responsible for notifying, and providing replacement keys to the Fire Department, when locks are changed.
- (8) The use of a Master Key system shall be required if any of the following conditions exist;
 - (a) More than two (2) keys are required to navigate to the rooms that contain the fire alarm, fire suppression, and/or mechanical rooms.
 - (b) More than three (3) individual keys would be required to open all door locks within any occupancy in the building.
 - (c) The building contains in excess of four (4) residential units, and is required to have a key vault (most Town Houses and Condominiums will be exempt, as key vault may not be required)
 - (d) A master key system that utilizes a separate master keys, one for occupant areas, and one for building maintenance areas is permitted.

Section 16 – Fire Alarm Panel & Pull Station Key

- (1) In order to standardize fire alarm panels, and reduce the number of different fire alarm panel keys the FD is required to carry all new fire alarm panels and pull stations shall be keyed with one of the following keys;
 - (a) B key
 - (b) Cat 30
 - (c) Cat 45
 - (d) PK 625
 - (e) Any other key as agreed upon by the FD
- (2) Pull Stations shall utilize a key as listed above, hex wrench locks are not permitted

Section 17 – Removal of Fire Hazards

- (1) A Chief Officer of the Fire Department, or their designee may direct the owner or occupant of any premises or building to abate any unsafe condition, move to a place of safety, or remove any unsafe or combustible materials which in their opinion shall expose the building, or any surrounding or adjacent property or buildings to an unnecessary hazard.
- (2) A Chief Officer of the Fire Department, or their designee may direct the owner or occupant of any premises or building to clear away from their building or premises debris or other materials resulting from fire, windstorm, or other catastrophe, within a reasonable time after the occurrence of said fire, storm, or catastrophe.
- (3) Failure to comply with a direction direction of a Chief Officer, or their designee, shall be a violation of this ordinance.

Section 18 – Order to Evacuate

- (1) A Chief Officer of the Fire Department, or their designee may direct any occupant or owner of any land, premises, or building to move to a place of safety in the event of a fire, or any other emergency situation.
- (2) Failure to comply with an order to evacuate, shall be a violation of this ordinance.

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Section 19 – Enforcement & Penalties

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$800.00 per day, for each day that said violation continues. The Chief Officers of the Fire Department and the Town Constable shall be authorized to act as issuing Municipal Officials to issue, and pursue before the Judicial Bureau or other appropriate judicial body a municipal complaint.

1. Civil Penalties

- See fee schedule

Offenses shall be counted on an annual basis in conjunction with the calendar year

2. Waiver Fees – An issuing Municipal Officer is authorized to recover a waiver fee, in lieu of a civil penalty, as outlined on the Fire Department fee schedule, for any person who declines to contest a municipal complaint and chooses to pay the waiver fee.

- See fee schedule

Offenses shall be counted on an annual basis in conjunction with the calendar year

Section 20 – Fee Schedule

The Fairfax Fire Department shall establish and maintain the fee schedule referenced in this ordinance. The fee schedule, and any revisions shall be approved by the Fairfax Selectboard.

Section 21 – Severability

The provisions of this ordinance are declared to be severable, and if any provision hereof be adjudged invalid, such judgment shall not affect the validity of any other provision.

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Section 22 – Publication / Posting / Implementation

A public hearing shall be held 12/19/16

The Ordinance shall be published in the Saint Albans Messenger on 12/9/16

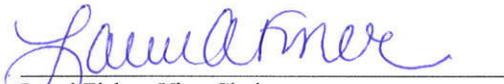
This Ordinance shall become effective on 2/2/17

This Ordinance does not in relieve any party from the requirements of the State of Vermont regarding obtaining Building/Construction, Electrical, Elevator and/or Plumbing permits through the Division of Fire Safety, or any other needed permits as required by the State of Vermont.

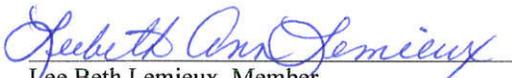
This Ordinance is adopted by the Selectboard of the Town of Fairfax, in the Town of Fairfax, Vermont this 5th day of Dec., 2016, and shall be effective upon adoption.



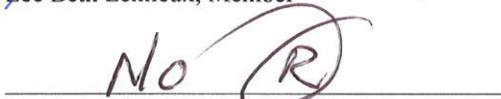
Tom Fontaine, Chair



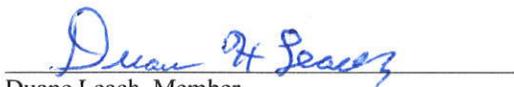
Lauri Fisher, Vice-Chair



Lee Beth Lemieux, Member



Randy Devine, Member



Duane Leach, Member

Received, Adopted and Filed on _____ 2016 at _____ AM / PM

A true record

Attest: _____

Deborah Woodward, Town Clerk