



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOICE
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802.863.0450 TTY
www.dpw.ci.burlington.vt.us

Steven Goodkind, P.E.
*DIRECTOR OF PUBLIC WORKS
CITY ENGINEER*

MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: STEVEN GOODKIND, DIRECTOR
DATE: JANUARY 9, 2013
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on January 16, 2013 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. South Prospect St – Resident Parking Request
3. 128 North St – 15 Minute Parking Space Removal
4. Guidelines For Restricting Parking To Once Car Between Driveways-
Decision Regarding 34-39 Hayward St
5. 395 Manhattan Dr – Vacant Building Appeal
6. Code Enforcement Fire Safety Appeal – 144 S. Willard St
7. Minutes of 12/19/12

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).



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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

M E M O R A N D U M

To: Martha Gile, Clerks Office
From: Steve Goodkind, Director
Date: January 9, 2013
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **January 16, 2013**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

ITEM

- 1 Agenda
- 2 Public Forum – 5 Minutes
- 3 15 Min South Prospect St – Resident Parking Request
 - 3.10 Communication, J. Fleming
 - 3.20 Discussion
 - 3.30 Decision
- 4 5 Min 128 North St – 15 Minute Parking Space Removal
 - 4.10 Communication, J. Fleming
 - 4.20 Discussion

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- 5 10 Min Guidelines For Restricting Parking To One Car Between Driveways-
Decision Regarding 37-39 Hayward St
5.10 Communication, J. Fleming
5.20 Discussion
5.30 Decision
- 6 10 Min Complete Street Implementation Update: FY' 14 Street Capital
Reconstruction Program
6.10 Presentation, E. Demers
6.20 Discussion
- 7 20 Min Residential Parking Program Application Changes
7.10 Oral Communication, J. King & G. Bergman
7.20 Discussion
- 8 20 Min 395 Manhattan Dr. – Vacant Building Appeal
8.10 Communication, W. Ward & Appellant
8.20 Discussion
- 9 20 Min Code Enforcement Fire Safety Appeal – 144 S. Willard St
9.10 Communication, W. Ward & Appellant
9.20 Discussion
- 10 Minutes of 12/19/12
- 11 Director's Report – Customer Service Update & Edmunds Mid-Block Crossing
Update
- 12 Commissioner Communications
- 13 Possible Executive Session to Discuss Appeals
- 14 Adjournment & Next Meeting Date – 2-20-2013



MEMORANDUM

January 16, 2013

TO: Public Works Commission
FROM: Joel Fleming
RE: South Prospect Street Resident Parking Request

Background:

Staff has received a request for resident parking on South Prospect Street between #544 and #568. Currently South Prospect Street is unrestricted parking between 6:00 am and 12:00 am and is restricted to no parking after midnight. There are nine parking spaces available in the requested section. This section is located between the Redstone Apartments, 500 South Prospect Street, and the Burlington Country Club, 568 South Prospect Street.

The petitioner has expressed the following as issues under the current configuration:

- Expecting a Baby in June and they would like to provide parking for all Visitors.
- Vehicles often park on the green belt leaving tire ruts and causing more erosion from the lack of curbs.
- Students often park in front of the petitioners residence after midnight and cause an excessive amount of noise.
- UVM is continuing to build and parking for students and faculty is getting tighter.
- Petitioner would like a car share vehicle in the area. (staff has explained that they must talk to CAR Share Vermont for this item.)

Observations:

Staff conducted a plate count in November and early December and determined that there are parking spaces available in this section no matter what time of the day it is. It is not conclusive that the people parking in this section are students because the number of vehicles that are parked in this section for long periods is not very high. 1 or 2 cars are parked in this section for more than one count period. Staff witnessed residents park and walk into the Country Club on multiple occasions during the counts.

The section of South Prospect Street is adjacent to both the UVM Dormitory's and the student occupied Redstone Apartments. Both the UVM and the Redstone Apartment parking lots are parking by permit only. South Prospect Street is restricted to no parking between the hours of 12:00 am and 6:00 am so there aren't vehicles parking overnight or for days on end. On the west side of the street at 545 South Prospect Street, are condominiums set back from the street. Each condo has a set number of parking spaces on site and there are a number of visitor parking spaces available. It appears that these residents would likely not make use of the parking if it became available as a residentially restricted street.

Staff has examined the street and thinks that there is another option that could help alleviate some of the petitioner's issues. If parking was prohibited from the parking lot of 500 South Prospect Street south to the edge of 544 South Prospect Street's property line than it would stop vehicles from parking on the greenbelt in front of this property. It would mean vehicles wouldn't be parking directly in front of the property, which should mitigate the problems the resident has had with excessive sound late at night.

Conclusion:

Staff's observations indicate parking spaces are available at all unrestricted hours. Resident parking is a block by block prohibition. Referencing Mr. Porter's letter there cannot be a resident parking prohibition between the driveways of 544 and 568. If there were a property to property restriction than it would have to be from 500 to 568 South Prospect Street. Redstone Apartments and Mr. Porter's property would be eligible for a resident permit and as a result negate any benefit Mr. Porter is seeking.

As an alternative proposal we would suggest prohibiting parking in front of 544 South Prospect Street. The benefits of this are:

- Green belt will grow much better without vehicles parking on it.
- It would be quieter with less students parking on the street.
- 4 or 5 parking spaces south of the property will remain and could be used by residents who are visiting the country club or students parking for class.

Staff Recommendation:

Staff does not recommend the commission adopt the resident parking on South Prospect Street between numbers 500 and 568. Staff recommends that the commission adopts a parking prohibition from the parking lot of 500 South Prospect Street, south past the property line of 544.



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

SERVICE REQUEST

Use this form to request services from the Department of Public Works.

Today is: 5/16/2012

Entered By Helen Plumley

Request # 13203

Name and Address

Reminder 8/14/2012

First Name Pike Last Name Porter Date 5/16/2012
Street Number 544 Street Address South Prospect Street
Phone Number 2332600 e-mail Pikeporter@gmail.com

Request

Location of Request 544 - 568 South Prospect Street
Location Street Number 544 Location Street South Prospect Street
SR #13203
Please describe the request. See attached correspondence (letter dated May 15, 2012 and "Resident Parking
Use additional space on back of form, if necessary. Street Selection Petition." from Mr. Porter & Ashley Adams of 544 So. Prospect St.
Request: "...a residential parking petition to re-zone the eastern side of S.
Prospect...between...numbers 544 and 568 to 24-hour residential parking..."

Resolution

For Office use only
Referred to Engineering Dept. Staff Assigned Joel Fleming
Date Staff Contact 5/16/2012
Staff Assessment

Customer Service

Follow Up Date 5/31/2012

Comments

Status

Status Investigation Close out date 5/16/2012
Follow-up Pending

Could you let me
know the process and
timeline for these
decisions?

Pikeposter@gmail.com

Therese
Rh

RECEIVED

MAY 15 2012

BURLINGTON PUBLIC
WORKS

May 15, 2012

Norm Baldwin,

Please find a residential parking petition to re-zone the the eastern side of S. Prospect Street between house numbers 544 and 568 to 24-hour residential parking.

We are requesting this for the following reasons.

- We're expecting a baby in June and we'd like to provide parking for grandparents, friends, baby sitters, and others who may want to visit. Currently the parking spaces in front of our house are filled with college student vehicles during the day and no parking is allowed from 12 am to 6 am at night.
- As you know, daytime student parking is very tough on the greenbelt, and drivers often pull onto the grass to park. One or two tire ruts and a good rain storm and the greenbelt washes away or turns to mud. Grass doesn't live when the dirt is compacted by car tires. We've tried to maintain the greenbelt, but it has been a losing battle. We feel that residents will know better not to park on the greenbelt, we hope to bring some life back into it, and might help reduce the erosion into the Burlington Country Club.
- Minimizing non-residential parking will help alleviate student noise. Guests of Redstone Apartments often park here (and often park well past 12 am in the morning), and can be loud when coming and going from their cars. Our hope is that by re-zoning the parking, we may alleviate parties and noise at Redstone Apartments.
- UVM filed a zoning permit request to build a 2,500 seat soccer stadium and plans to host games up until 11 pm. Redstone Lofts, with 400 student residents, will open next year. Soon parking for residents will be much harder to come by both day and evening.
- We would like to provide a space for Car Share Vermont or another similar organization to help encourage car sharing and minimize student vehicles.

Thanks for your consideration.

Sincerely,



Pike Porter and Ashley Adams

544 South Prospect Street
Burlington, VT 05401

233-2600

Pikeporter@gmail.com

RECEIVED

MAY 15 2012

BURLINGTON PUBLIC
WORKS

RESIDENT PARKING BURLINGTON, VERMONT STREET SELECTION PETITION

Date: 5/3/22

Street: South Prospect

From House Number: 544

To House Number:

From Street: S Prospect

To Street:

Total single dwelling Units: 1 with accessory apartment - 2 units total

Total ^{condo developments} apartment Buildings: 1 Total Apartment Units: 40

Person Conducting Petition:

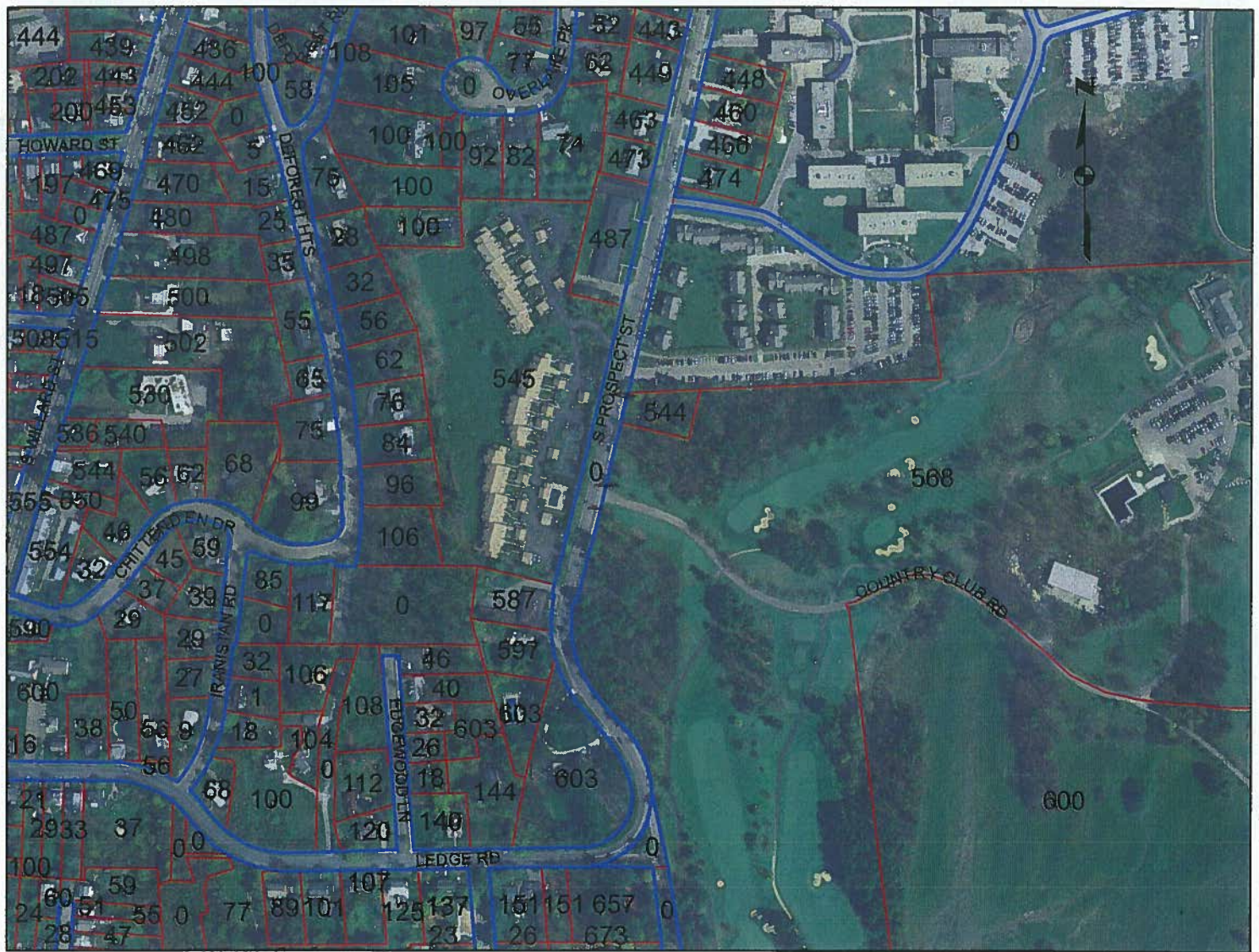
Name: Pike Porter / Ashley Adams

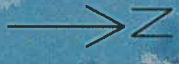
Address: 544 S. Prospect St.

Telephone: 233-2600

[illegible]

House #	Apt #	Name	Resident Parking	Hours Day	Days Week
544	—	Pike Porter	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	3	John Bussan	<input type="checkbox"/> No	6AM-6PM	All Week
545	9	Mary Beck	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	11	Bruce Wren	<input type="checkbox"/> No	6AM-6PM	All Week
545	13	Victoria Jones	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	14	Ann J Brown	<input type="checkbox"/> No	6AM-6PM	All Week
545	15	Tom Jowline	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	17	Kathy Ouellette	<input type="checkbox"/> No	6AM-6PM	All Week
545	18	Toty Cullions	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	18	Kelly Cullions	<input type="checkbox"/> No	6AM-6PM	All Week
545	20	Wendy Ben	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	22	Angie Loherty	<input type="checkbox"/> No	6AM-6PM	All Week
545	23	Pat Rock	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	25	Judith Rung	<input type="checkbox"/> No	6AM-6PM	All Week
545	27	Lynne A Bruce	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	28	A.M. Wright	<input type="checkbox"/> No	6AM-6PM	All Week
545	29	Mary Langer	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	31	Beverly Prakhett	<input type="checkbox"/> No	6AM-6PM	All Week
545	32	John Porseth	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	34	Renee Sahyoun	<input type="checkbox"/> No	6AM-6PM	All Week
545	35	George + Christine Salenba	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
545	14	John Velt	<input type="checkbox"/> No	6AM-6PM	All Week
545	8	Dan J Vellano	<input checked="" type="checkbox"/> Yes	24 Hrs	Mon-Fri
549	20		<input type="checkbox"/> No	6AM-6PM	All Week





#545

#544

#568
Burlington Country Club

#580
Redstone Apartments

No Parking 12:00 Am to 6:00 Am
Requested Resident Parking

No Parking this side of Street

No Parking this side of Street

No Parking this side of Street

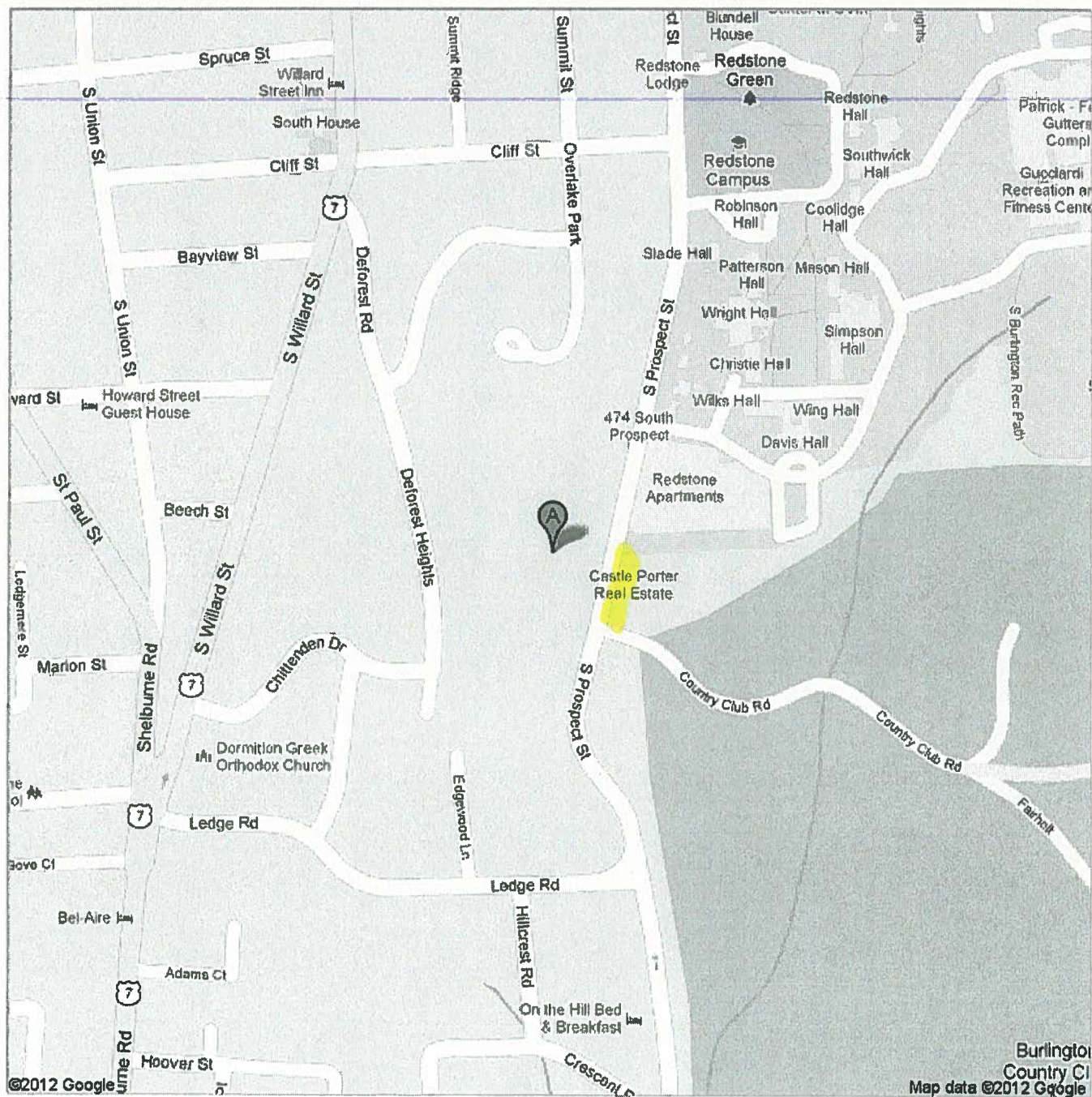


Address **545 S Prospect St**
Burlington, VT 05401

Get Google Maps on your phone



Text the word "GMAPS" to 466453





#500
Redstone Apartments

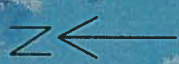
#544

Staff designated no
parking here to
corner

No Parking 12:00 Am to 6:00 Am

#568
Burlington Country Club

#545



No Parking this side of Street

No Parking this side of Street

No Parking this side of Street

Plate Count: South Prospect Street

[illegible]



MEMORANDUM

January 16, 2013

TO: Public Works Commission
FROM: Joel Fleming *JF*
RE: 128 North Street 15 minute parking space removal

Background:

Staff received a request from a business owner at 128 North Street asking for the removal of a 15 minute parking space in front of their business. The business owner stated that the space is not enforced by parking enforcement and that he would rather have an unrestricted parking space in front of his business.

Observations:

North Street is a main thoroughway through the old north end. It has a mix of residential and commercial uses. 128 North Street lies between North Champlain Street and Rose Street. There are a number of restricted parking spaces, 15 minute and handicapped spaces, on the adjacent blocks.

Conclusions:

Removing this 15 minute parking space will allow residents to park in this space unrestricted. Staff talked to the business owner and he is fully aware that vehicles could park in front of his business all day. He was still in full support of removing the parking space.

Recommendations:

Staff recommends that the commission adopts the removal of the 15 minute parking space in front of 128 North Street.



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Request
223**SERVICE REQUEST****Name and
Address**

Name: Abdi Sharif

Request Date: 10/19/2012 3:26 PM

Address:

Phone Number: 865-1165

Email Address:

Request

Location: 128 North Street

Request Description: There is a 15 minute parking sign in front of this business but people are parking there all day. Has called parking enforcement to no effect. Would like to take the sign down.

Assign History**Date****Assigned To****Description**

10/19/2012 3:26:33 PM

Joel Fleming

Request Assigned

Work History**Customer Service**

Status: New

Request created by: Holly Lane

Print Date: 10/19/2012 3:26:34 PM



Murray Street

Rose Street

#128

15 Minute
parking space

North Street

North Champlain Street

Guidelines to Restricting Parking to One Car Between Driveways

1/7/2013

List of Figures

Figure 1: Restricting Parking to One Car between Driveways.....1

1.0 Introduction

1.1 Use of Guideline

The purpose of this guideline is to ensure that parking between driveways is treated consistently throughout the city of Burlington, by providing guidance on restricting parking to one space between driveways.

It must be recognized that not all situations can be adequately addressed in this guideline; therefore engineering judgment must be used at all times.

Before any parking is restricted between driveways, the engineer must review the plan of the proposed restriction to ensure that it conforms to this guideline. Parking prohibitions shall only go into effect after they are passed by the Department of Public Works Commission.

2.0 Restricting Parking

2.1 Restricting Parking

This standard is applicable to all arterial, collector, and residential streets with unrestricted parking in the city. Parking between driveways shall be restricted to one vehicle when the space between the driveways is less than 32 feet. The average car length in the United States is about 16 ft. This means that two average size cars could not parallel park without encroaching on one or both driveways.

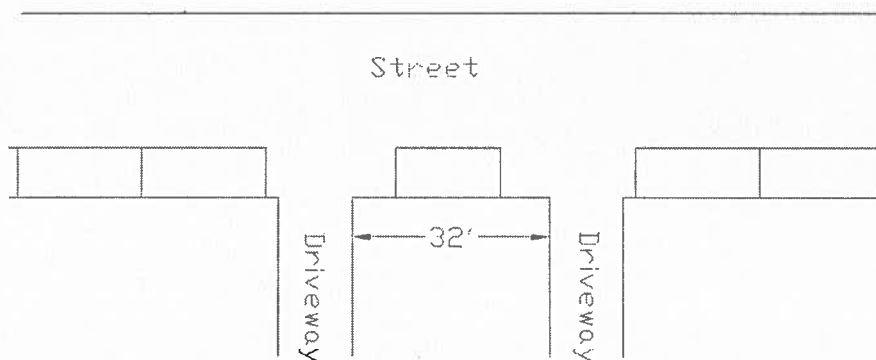


Figure 1: Restricting Parking to One Car between Driveways



MEMORANDUM

November 28, 2012

TO: Public Works Commission
FROM: Joel Fleming
RE: 37-39 Hayward Street parking

Background:

Staff received a request from a resident of Hayward Street requesting that staff takes a look at the parking between 37 and 39 Hayward Street. The petitioner stated when two vehicles park between the driveways it makes it often difficult to get in or out of the two adjacent driveways. This block of Hayward Street is residential and it lies between Marble Avenue and Howard Street in the south end of Burlington. There are approximately 20 homes, many of which are multi-family homes.

Observations:

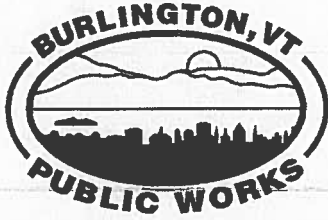
Staff visited the site and determined that it is 30 feet between the driveways of 37 and 39 Hayward Street. The typical parking space around the city is 20 feet long meaning that there is not enough room for 2 parking spaces between the driveways. Staff sent a letter out to the residents of Hayward Street dated October 24, 2012 asking for feedback on making the space reserved for one vehicle only. Staff did not receive any negative feedback regarding the parking change.

Conclusions:

The space between the two driveways is not big enough for two vehicles to park without one or both of the vehicles partially blocking the driveways. Staff looked into making the space for compact cars only but is afraid that even with two small cars they may still block one or both of the driveways

Recommendations:

Staff recommends the commission adopts the space between the driveways of 37 and 39 Hayward Street to be reserved for one vehicle only.



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

OFFICE OF PLANNING
645 PINE STREET, SUITE A
BURLINGTON, VT 05402
802.863.9094 P
WWW.DPW.CI.BURLINGTON.VT.US

JOEL FLEMING, E.I.T.
ENGINEER TECHNICIAN

October 24, 2012

Dear Hayward Street Residents:

Public Works would like your thoughts on making the parking spaces between the driveways of 37 and 39 Hayward Street one parking space. Recently the Department of Public Works Staff looked into the width between the driveways and determined that there is not enough space for two vehicles to park without one of the vehicles partially blocking one of the driveways. I am looking for feedback by November 2nd. Please call me at 802 598 5832 or Email me at jfleming@ci.burlington.vt.us.

Thanks for your time,

Joel Fleming, EIT
Department of Public Works
jfleming@ci.burlington.vt.us

JF/mcb

Marble Street

Howard Street

Proposed Tree Space
between driveways

#37

#39

20'

Howard Street





**CITY OF BURLINGTON
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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

January 8, 2013

TO: Public Works Commission

FROM: Norman Baldwin, P.E. *NJB*
Assistant Director-Technical Services

RE: 395 Manhattan Drive-Appeal of Vacant Building Order/Decision

Mr.Khamnei is seeking to appeal Code Enforcements decision to require payment of the Vacant Building Fees associated with the Vacant Building Ordinance requirements. We received Mr.Khamnei's Vacant Building Appeal dated October 24, 2012. In his letter of appeal Mr.Khamnei cites financial hardship and has suggested he will provide testimony at the hearing evidencing that assertion. I have attached his letter of appeal for the Commission's consideration.

In addition, I have attached my hardcopy correspondence dated December 21, 2012 providing appeal hearing instructions to Mr.Khamnei as the Appellant via U.S. Postal Service Certified Mail, return receipt. As staff for the Commission I have copied Bill Ward as the Director of Department of Code Enforcement on all correspondence as well.

Both Parties have been given notice of the scheduled appeal hearing and plan on being in attendance. .

I will be serving as staff to the Public Works Commission at the meeting and will introduce the two parties Code Enforcement as the administrators of the Ordinance and Mr.Khamnei. as the Appellant.

Gene Bergman from the City Attorney's Office will be in attendance to provide legal counsel to the Commission as well.

Chris C. Khamnei
82 Overlake Park
Burlington, VT 05401

395 Manhattan Drive

RECEIVED

OCT 25 2012

BURLINGTON
CODE ENFORCEMENT

Bill Ward,
645 Pine Street

Burlington, VT 05401

Please consider appeal for \$500 of vacant
building to be waived due to financial
hardship. will bring proof for hearing.

Sincerely,



CHRIS KHAMNEI



10/24/12



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street
Post Office Box 849
Burlington, Vermont 05402-0849
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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

December 21, 2012

Chris C.Khamnei
82 Overlake Park
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 8, Article III, ABATEMENT AND REHABILITATION OF VACANT BUILDINGS AND DANGEROUS STRUCTURES please take notice that the **Public Works Commission** will hold a hearing related to appeal the decisions, order, actions of the City to enforce the vacant building ordinance associated with 395 Manhattan Drive at **6:30 p.m. on Wednesday, January 16, 2012 in the Front Conference Room of the Department of Public Works at 645 Pine St. in Burlington, Vermont.**

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must also specify the factual or legal basis of the appeal, and must be submitted to my attention, at our office by no later than Monday, July 7, 4:30 p.m..

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position. **Witnesses must be present;** the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 8 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm Baldwin", written over a horizontal line.

Norman Baldwin, P.E.
Assistant Director of Public Works

cc: Eugene Bergman, Assistant City Attorney
Steven Goodkind, Director of Public Works

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHRIS A. KHANNAI
82 OVERLAKE PK.
BURLINGTON VT
05401

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☒ Agent ☐ Addressee

B. Received by (Printed Name) Chris A. Khanna C. Date of Delivery 02/11/04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7008 3230 0002 9264 2361

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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Track & Confirm

[GET EMAIL UPDATES](#) [PRINT DETAILS](#)**YOUR LABEL NUMBER**

70083230000292642361

SERVICE**STATUS OF YOUR ITEM****DATE & TIME****LOCATION****FEATURES**

Delivered

December 22, 2012, 1:59 pm

BURLINGTON, VT 05401

Certified Mail™

Arrival at Unit

December 22, 2012, 5:31 am

BURLINGTON, VT 05401

Check on Another Item

What's your label (or receipt) number?

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**CODE ENFORCEMENT OFFICE**

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

TO: Department of Public Works Commission
FROM: William Ward, Director of Code Enforcement *Wmw*
DATE: January 8, 2013
RE: Report on Appeal of 395 Manhattan Drive Vacant Building Status

Owner of Record: Chris Khamnei
82 Overlake Park
Burlington, VT 05401

Description of the Property

The property is a one unit, one story wooden structure located on Manhattan Drive between Oak and Walnut Streets.

Timeline of significant events

- The property was listed in the Amanda database as R1, or zoned as a single family property. The City Assessor lists the building value at \$19,000.00 and the land value at \$93,300.00.
- The property was an existing vacant building when purchased by Mr. Khamnei on January 19, 2011.
- Mr. Khamnei was issued a Building permit on February 18, 2011 to do the following work: Complete interior renovation. No change in use of the existing structure and no increase of living space. Estimated cost of construction declared to be \$30,000.
- On July 1, 2011 the city assessor lowered the assessed value of the building from \$93,000 to \$19,000 at the request of Mr. Khamnei.
- The property owner had the first two quarters of 2011 as exempt from payment of Vacant building fees and was billed \$500 for the quarter starting July 1, 2011. Given the new reassessed value of \$19,000, and a Building permit of \$30,000, the property was given a one year exemption from payment of vacant building fees from July 1, 2011 to June 30, 2012, per city ordinance.
- Jfs Electric was issued an electrical permit on January 11, 2012 to do the following work: Install new wiring to completely rewire house including lights, receptacles, switches, AFCI and GFCI protection, smoke and CO detection, new 100 amp service. All per NEC 2011

Information available in alternative media forms for people with disabilities.
For disability access information call (802) 863-0450 TTY.
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- On March 12, 2012 Mr. Khamnei was sent a warning letter regarding accumulation of construction materials on the property. A deadline of March 16, 2012 was for bringing the property back into compliance. The property was re-inspected and was in compliance as requested.
- On April 17, 2012 Mr. Khamnei was sent a Vermont Municipal ticket for a new accumulation of construction materials and debris that was documented in a site visit on April 13, 2012. April 23, 2012 was set as a re-inspection date. The materials were cleaned up as requested.
- On April 23, 2012 Ned Holt issued a "stop work order" for construction/demolition without a building permit at this property. The roof was removed without a zoning or building permit.
- The owner was issued a zoning permit on April 26, 2012 to do the following work: Raise roof and change pitch, new asphalt shingles on roof, replace windows with new fiberglass windows, remove vinyl siding and have 3 inch reveal clapboards. Repave driveway on west side. Estimated cost of construction declared to be \$40,000.
- An excavation permit was issued on May 8, 2012 for a new waterline service.
- A curb cut permit was issued on June 12, 2012 for a new curb cut for the duplex residence approved by Planning and Zoning permit #12-0939CA
- The owner was issued a Building permit on May 15, 2012 to do the following work: Respective to 2006 IBC & NFPA 101 raise roof changing pitch to include new roof cover, replace windows with new fiberglass windows meeting egress where required and replace vinyl siding with 3 inch reveal clapboards. Estimated cost of construction declared \$15,000.
- On June 5, 2012 a Zoning Permit was issued to convert the property to a duplex, add a parking area on the West and require a two space parking waiver.
- On June 29, 2012 Mr. Khamnei was sent a Vermont Municipal ticket for another new accumulation of construction materials and debris that was documented in a site visit that day. July 2, 2012 was set as the re-inspection date. The materials were cleaned up on request.
- On July 1, 2012 the property owner was billed for vacant building fees for that quarter. The cost of the new water line service exceeded 5% of the assessed value of the building. The property owner was granted the waiver of \$425 of the vacant building fees per the ordinance. He paid the remaining \$75.00 fee for Q1 of FY13.
- On July 25, 2012 just after 6:00 a.m. there was fire at the property that was ruled arson by the fire marshal's office. The arson investigation remains open.

- On September 27, 2012 the Quarter 2 inspection was conducted. The property owner was not present. Driveway debris was present a month after it had been placed there. The building openings were completely unsecure. Two Vermont Municipal tickets were sent to the property owner for violations of Burlington City Ordinance Section 18-Sec: 8-46 Titled "Obligations of owners of vacant or abandoned buildings or structures". One ticket was for section (c) which requires the property owner to remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building, and the second ticket was for section (d) which requires the property owner to immediately lock, barricade or secure all doors, windows and other openings in the building.

Vacant Building Determination:

The current status of the property remains vacant based on the conditions observed by the Director of Code Enforcement.

Summary

Code Enforcement Office requests that the Public Works Commission uphold the determination that the building has been and remains vacant and to order the owner to comply with all building standards and requirements of the Vacant Building Ordinance.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street
Post Office Box 849
Burlington, Vermont 05402-0849
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802.863.0466 FAX
802.863.0450 TTY

Steven Goodkind, P.E.
*DIRECTOR OF PUBLIC WORKS
CITY ENGINEER*

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

January 8, 2013

TO: Public Works Commission

FROM: Norman Baldwin, P.E. *NB*
Assistant Director-Technical Services

RE: 144 South Willard Street-Appeal of Second Means of Egress Order by Code Enforcement

Ms. Lavin is the owner of a three story, duplex structure at 144 South Willard Street. Ms. Lavin is seeking to appeal Code Enforcements order identifying the third floor rental unit at this property as lacking an adequate second means of egress. The Department received the Appellants letter of appeal dated August 17, 2012 along with a cover letter from the Code Enforcement office dated September 4 2012 that frames this issue of appeal. I have attached both documents for the Commission's consideration.

Since receiving the appeal I had attempted to schedule this appeal to be heard at the November 28, 2012 Commission meeting. In doing so I spoke to Ms. Lavin on Friday November 16, 2012 over the phone notifying of her of the upcoming meeting to verbally confirm her ability to attend. Unfortunately, Ms. Lavin on that same day of my call was departing for Florida for the winter season and was not planning on returning until the spring May of 2013.

Given her departure from the local area, I sought legal counsel from the attorney's office on how to proceed with scheduling this appeal. It was determined the appeal would need to be heard and it would be the responsibility of Ms. Lavin as the Appellant to either attend or assign someone to attend as her representative given adequate notice.

With that understanding, I again called Ms. Lavin to schedule her appeal to be heard at our January 16, 2013 meeting and verbally explained our desire to have the issue heard before the spring and had sent as a follow up document that provided her with Appellant Instructions, referenced document is dated December 21, 2012 and was sent to her attention via U.S.Postal Service Certified Mail. (Return Receipt attached)

Since issuing the written notice of the meeting I have received a phone call from Bob Raessler from Paul, Frank & Collins today(January 8, 2013) who verbally articulated to me that he would

be representing Ms. Lavin in this matter and that either himself or his associate Jim Perglozzi would be attendance at the January 16, 2013, commission meeting.

As such it has been confirmed both parties have been given notice of the scheduled appeal hearing and plan on being in attendance. .

I will be serving as staff to the Public Works Commission at the meeting and will introduce the two parties Code Enforcement as the administrators of the Ordinance and Mr. Raessler representing Ms. Lavin as the Appellant.

Gene Bergman from the City Attorney's Office will be in attendance to provide legal counsel to the Commission as well.



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

9/4/2012

Norm Baldwin
Assistant Director of Technical Services
DPW, 645 Pine ST
Burlington, VT 05401

RE: Appeal of Code Enforcement order # 227965 144 South Willard Street

Dear Mr. Baldwin

On August 17, 2012, Code Enforcement received a letter from Martin and Patricia Lavin appealing Code Enforcement's order of July 17, 2012 requiring a separate egress path for the 3rd floor rental unit. The property owners are not available for the September 19, 2012 DPW Commission hearing but would be available for the next scheduled meeting after September 19, 2012.

Currently, the egress for the 3rd floor unit is through the 2nd and 1st floor of the property which is owner-occupied.

Inspector Ahonen's comments from the Minimum Housing inspection:

TWA:

MH on July 17, 2012 with female owner. This is an owner occupied duplex, meticulously maintained, of four stories: The cellar is finished as an office with computer workstations for several persons, plus offices, but is not currently in use as such. The first and second floors above grade are the owner's residence. The third floor above grade is an attic conversion to an apartment. The front door is on the third floor at the top of a stair. The second means of egress is a backstair (this is an old manor style home) but it terminates on the second floor where a door opens into the owner's unit. It can be locked from the tenant's side but not the owners. This is, in my opinion a violation of Sec. 18-95. - Means of egress.

"Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two (2) safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade. At a minimum, standards for the maintenance of a required means of egress shall be governed by the following:

(a)

All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.

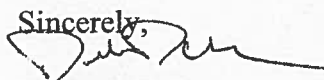
...

(Ord. of 8-4-86; Ord. of 11-8-93) "

The owner protested that this unit has always passed inspection in prior years. I advised her she could appeal my decision and get a fair hearing.

The property was previously inspected on May 23, 2008 and received a Certificate of Compliance after the first inspection. The egress issue was not noted at that time.

Sincerely,



Deborah Dalton

Code Enforcement Case Manager

Notice of Appeal of ^{July 10, 2010}
Routine Inspection of 144 South
Willard Street, Inspection 227965

This appeal is based on the
following:

1. This same, identical apartment
with no changes made of any
sort, including the tenant, has
been inspected many times in the
past and has passed inspection

with the same egress now provided;
which is thru the owner's property.

2. Any correction ordered for this
property which does not take in
the historical perspective of approval
of exterior changes which could be
required and grants only 30 days for
such improvement and/or correction is
highly unreasonable.

3. This tenant and all other tenants we've

WESTIN
HOTELS & RESORTS

had have been show the emergene
eggress and all preferred it to any
possible wooden stairway on the
exterior of the building, claiming
that in winter weather such egress
is unsafe.

Filed this 16th Day of August, 2012.

Martin Savin

Patricia A. Savin

RECEIVED
AUG 17 2012
BOSTON
CODE ENFORCEMENT



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

July 7, 2012

Martin Lavin
Ajax Property Management
350 Main Street
Burlington, VT 05401

RE: Routine Inspection of 144 South Willard St., Inspection 227965

Dear Owner(s):

Thank you for your cooperation with the routine inspection I conducted on Tuesday, July 17, 2012 at 9:30:00 AM. My findings are included in this Order. Each deficiency listed must be corrected by the compliance date listed for that item.

A re-inspection has been scheduled for August 20, 2012 at 11:00:00 AM. Tenants must be notified at least 48 hours in advance. All areas of the property must be accessible. Please contact me at least 24 hours in advance, sooner if possible, if this needs to be rescheduled for any reason.

You may submit a written request for an extension of compliance date(s) if you need more time to complete repairs for a valid reason. Extension requests must include the reason the request is necessary and the extended compliance date requested for each item. **Requests must be submitting in writing on our extension request form; verbal requests will not be accepted.** You may obtain an extension request form by phone, at our Office, or on the web at <http://www.ci.burlington.vt.us/codeenforcement>. The completed extension request, with all required information, must be approved by our office prior to the compliance date in order to avoid re-inspection fees. For this reason, and because application for an extension does not guarantee that it will be granted, you are encouraged to apply for an extension as early as possible if you anticipate difficulties with the Order compliance date(s).

For information only, please be advised that if this office is unable to verify compliance with the Order by the compliance date(s) and a written extension has not been granted, a \$60.00 re-inspection fee per unit will be charged. You may also be ticketed for the Minimum Housing Standards violations and the rental certificate of compliance may be revoked. Failure to comply with this Order is also a criminal offense.

The decisions stated in this Order and report may be appealed in writing within thirty (30) days of the date of this correspondence, addressed to the Director of the Code Enforcement Office.

Information available in alternative media forms for people with disabilities.

For disability access information call (802) 863-0450 TTY.

An Equal Opportunity Employer

8/17/2012 144 South Willard ST 227965

All plumbing, electrical, and building work performed must conform to applicable Codes and City Ordinances and necessary permits must be procured through the appropriate Inspection Services Office of the Public Works Department (863-9094). Any exterior repairs/modifications or change of use may also be subject to review by the Planning and Zoning Department (865-7188). It is your responsibility to check with these Departments regarding permit requirements. A copy of this Order must be presented at time of application for permits.

Safety codes protect everyone, and we appreciate your time and assistance in keeping Burlington a safe and attractive community. Please feel free to contact me at 802-863-0442 if you have any questions or concerns.

Sincerely,

Tim Ahonen
Minimum Housing Inspector

IN: 227965

Inspection Detail for: 144 South Willard ST

Inspection Date: Jul 17, 2012 Inspector: Tim Ahonen

Page 1 of 1

Unit/Area

Egress path (Item 1 of 2)

Finding: Required egress path of third floor rental unit goes through second and first floors of the owner's unit.

Remedy: Construct and maintain safe path of egress to code: cannot pass through another unit or bathroom. Sec. 18-95. - Means of egress. Dwelling units on the third floor and above shall have at least two (2) safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.

Non Complied

Correct By: Aug 20, 2012

Code Section: Means of egress

18-95 Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.

Lead Paint Law (Item 2 of 2)

Finding: Lead Paint responsibility not met under Burlington City Ordinance: Chapter 18 -112 available online @ www.cedoburlington.org/housing/lead_paint_ordinance.htm

Remedy: Please forward to this office a copy of your most recently completed EMP certification form that you filed with the State Lead Program as required by law. For information on the EMP/lead law contact the State Lead program at 1-800-439-8550.

Non Complied

Correct By: Aug 20, 2012

Code Section: Paint

18-112 (h) Owners of pre-1978 rental housing shall have continuing disclosure, education, and cleaning obligations



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DEPARTMENT OF PUBLIC WORKS**

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Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

December 21, 2012

Patricia Lavin
P.O. Box 545927
Miami Beach, Florida 33154

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 18, Article III, Division 5, please take notice that the **Public Works Commission** will hold a hearing related to an appeal of a minimum housing code order regarding the fire safety division of the minimum housing code associated with 144 South Willard Street at **6:30 p.m. on Wednesday, January 16, 2012 in the Front Conference Room of the Department of Public Works at 645 Pine St. in Burlington, Vermont.**

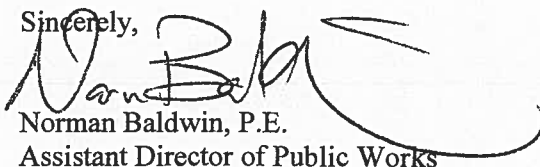
In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must reference the item number from the inspection report you are appealing. This statement must also specify the factual or legal basis of the appeal. Please be advised that items that have been resolved and are no longer being contested between you and the Code Enforcement Office are considered moot and will not be heard by the Commission. Please send a copy of this statement to the Code Enforcement Office.

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position. **Witnesses must be present;** the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 8 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,



Norman Baldwin, P.E.
Assistant Director of Public Works

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December 27, 2012, 8:03 am

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December 24, 2012

MIAMI, FL 33152

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December 23, 2012, 11:06 pm

MIAMI, FL 33152

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December 22, 2012

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PATRICIA LAVIN
P.O. BOX 545927
MIAMI BEACH FL
33154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

Agent

B. Received by (Printed Name)

☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☐ No

3. Service Type

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- ☐ Insured Mail
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- ☒ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7008 3230 0002 9264 2378

PS Form 3811, February 2004

Domestic Return Receipt

10-3595-02-M-1540

CITY OF BURLINGTON

ORDINANCE 7.0

Sponsor: Public Works Dept.,
Public Works Com., Code Enforcement Office

Public Hearing Dates _____

In the Year Two Thousand _____
Nine

An Ordinance in Relation to

BUILDINGS AND BUILDING CONSTRUCTION*
ARTICLE III, ABATEMENT AND REHABILITATION
OF VACANT BUILDINGS AND STRUCTURES AND
DANGEROUS STRUCTURES*

First reading: 10/05/09

Referred to: Ordinance Committee

Rules suspended and placed in all
stages of passage: _____

Second reading: 11/16/09; 12/07/09

Action: adopted

Date: 12/07/09

Signed by Mayor: 12/10/09

Published: 12/22/09

Effective: 6 - 01/12/10

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Chapter 8, Buildings and Building Construction, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 8-42, 8-43, 8-47, 8-48, 8-49 and 8-50 thereof to read as follows:

Sec. 8-42. Statement of findings and purpose.

(a) Being that there exist in the City of Burlington structures or buildings that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the Burlington City Council 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 properly 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 locations to conduct illegal criminal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public's 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 city is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regards to such structures.

(b) 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 and structures, and bring back into productive use consistent with the authority vested in the city to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings and other structures within the city.

Sec. 8-43. Definitions.

The words and phrases used in this section have the following meanings unless their context clearly indicates otherwise:

(1) *Director* means the director of the enforcement agency or his/her designee.

(2) *Statement of intent* ~~means a form filled out by the owner of a boarded vacant structure which contains specific information from the property owner regarding the structure and the owner's plans for its rehabilitation and maintenance or removal or demolition.~~

(3) *Vacant structure* means any structure or building that is unoccupied by a person or occupied by unauthorized persons for ~~ninety (90)~~ 210 days, excepting permitted warehouse or permitted storage structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis, and those structures being newly constructed within the terms of their building and zoning permits or under substantial rehabilitation for a period of 1 year from the date that the building permit or zoning permit is issued—whichever is later.

(3) *Dangerous building or structure* means a building or structure or part thereof declared structurally unsafe or hazardous by any duly constituted authority, whether it is occupied, unoccupied, or vacant.

(4) *A showing that the building is being actively marketed for sale or lease* ~~means evidence of (a) some form of advertising for the sale of the building or structure~~ evidence that the building or structure is being continuously marketed for sale or lease and is publicly available and viewable for sale or lease to prospective buyers or lessees until it is under contract, and (b) the availability of the building or structure to prospective buyers, and (c) the disclosure of a reasonable asking price.

(6) *Substantial rehabilitation* means rehabilitation the value of which exceeds fifty (50) percent of the assessed valuation of the building or structure.

(7) (5) *Owner* shall mean any and all owners of record or trustees for such owners. The obligations of owners under this article extend to the agents of such owner(s) or other persons interested in the building or structure.

Sec. 8-44. Enforcement authority.

As written.

Sec. 8-45. Obligations of owners of dangerous structures and buildings.

As written.

Sec. 8-46. Obligations of owners of vacant or abandoned buildings or structures.

As written.

Sec. 8-47. Vacant building permit; inspection; maintenance standards; fees.

(a) Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the director. Applicants shall provide a maintenance plan covering the permit period which shall disclose all measures to be taken to ensure that the building or structure will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent

circumstances or emergency, compliant with the obligations set forth in section 8-46 and 8-47 (e) and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards. The application shall include a "statement of intent." The statement of intent shall include but not necessarily be limited to information as to Applicants shall disclose 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 state the a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

(b) Vacant buildings shall be inspected at or around the beginning of the permit period to determine that they comply with this article. The owner shall cooperate with and attend the inspection. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the director and the appropriate police and fire officials. The propose of such inspection is determine and ensure 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 time 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 and structure is in compliance with the vacant building maintenance standards. If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, no notification or warrant is necessary and the director shall enter and inspect the premises pursuant to section 8-45.

If the owner of the vacant building or structure ~~fails or refuses to consent to~~ does not cooperate with and or attend an inspection, the director shall may seek a search warrant from the Vermont District Court for the purpose of determining compliance with this article, 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 time 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 and structure is in compliance with the vacant building maintenance standards.

(c) The director, upon inspection, shall issue any order for work needed to:

(1) Comply with this article and adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the vacant building maintenance standards set forth in this article; and

(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.

When issuing such orders, the director shall specify the time for completion of the work. The order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the director's order. No interim permit shall be effective for a period of more than 3 months ninety (90) days. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning codes and ordinances.

(d) The director shall issue a vacant building permit upon being satisfied that the building has been inspected and is in compliance with this article the vacant building maintenance standards set forth in this article, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of up to 3 months ninety (90) days.

(e) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

(1) *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers and free from graffiti. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

- (2) *Roofs*: The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
- (3) *Drainage*: The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
- (4) *Building structure*: The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.
- (5) *Structural members*: The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- (6) *Foundation walls*: The 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, free from graffiti, and be animal and rat-proof.
- (7) *Exterior walls*: The exterior walls shall be free of holes, breaks, free from graffiti, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (8) *Decorative features*: The cornices, belt courses, corbels, terra cotta trim, fences, wall facings and similar decorative features shall be safe, anchored, and in good repair and free from graffiti. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (9) *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 and sound, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (10) *Chimneys and towers*: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (11) *Walkways*: Walkways shall be safe for pedestrian travel.
- (12) *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 vacant building maintenance standards.
- (13) *Premises*: The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.
- (f) (1) A fee of five hundred dollars (\$500.00) shall be charged for a vacant building permit or ~~interim permit~~. ~~This five hundred dollar fee shall also be charged upon the renewal of such permits.~~ The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.
- (2) All but \$75.00 of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof, this fee shall be waived. An owner shall be eligible for the waiver of the fee for no more than 8 permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following. The waiver of the permit fee for the active

marketing and maintenance of the building or structure shall be for a period of twelve (12) months from the time the fee first becomes due. This waiver may be extended for an additional year for such buildings if the owner (a) continues to show that the building or structure is being actively marketed for sale and maintained and (b) discloses the details of how the building was actively marketed for sale during the waiver year (i.e., offers, appraisals, or consultants engaged). Upon the expiration of the initial twelve month period or its extension, the fee shall be charged.

(3) All but \$75.00 of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least 5% of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior 3 month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. ~~in need of substantial rehabilitation, as determined by the building inspector, to comply with the obligations and standards set forth in this article, no initial vacant building permit fee is required if the owner has: (i) developed and submitted a statement of intent, scope of work which meets the applicable building and housing standards and the obligations and standards set forth in this article, and a reasonable schedule for the completion of the work, approved by the director, and (ii) secured all necessary building and zoning permits. To qualify for a continued exemption upon renewal, the owner must certify that the improvements set forth in the scope of work are being made according to the schedule of work or prove to the director that the schedule will be completed within a reasonable amount of time.~~

(4) All but \$75.00 of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure, no fee shall be required. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. The owner shall demolish the building or structure within 3 months of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

Sec. 8-48. Appeals and variances.

(a) A party aggrieved by an action of the director shall appeal such action by requesting a hearing to the board of appeals pursuant to the provisions of section 8-8, excepting appeals of actions taken pursuant to section 8-45, which shall be taken in accordance with section 8-45(g)-(f).

(b) Any person subject to the provisions of this article may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.

(c) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board:

(1) That there are circumstances or conditions that make strict compliance with the provisions of this article unusually difficult or unduly extensive, or would create an undue hardship:

(2) That such a hardship or condition has not been created by the applicant; and

(3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the requirements of this article ~~vacant building maintenance standards.~~

(d) In rendering a decision in favor of an applicant, the board of appeals shall attach such conditions to such variance as it considers necessary and appropriate under the circumstances to implement the purposes of this article.

Sec. 8-49. Enforcement and penalties

(a) Penalty

(1) A person shall be subject to a civil penalty of \$200 with a waiver penalty of \$150 for the following offenses:

An Ordinance in Relation to

BUILDINGS AND BUILDING CONSTRUCTION*
ARTICLE III. ABATEMENT AND REHABILITATION
OF VACANT BUILDINGS AND STRUCTURES AND
DANGEROUS STRUCTURES*

- (A) Failure to apply for a vacant building permit or the filing of an incomplete application;
(B) Failure to pay the vacant building fee;
(C) Failure to schedule an inspection or to show up for an inspection for which notice has been given;
(D) Failure to comply with the obligations set forth in § 8-46 (c) and (d); and
(E) Failure to comply with an order of the enforcement officer in the time required, with each separate deficiency ordered to be corrected being deemed a separate order;

(2) A person who repeats the same offenses 3 times within a 12 month period shall be deemed to have committed a criminal offense for the third offense subject to a fine of \$500. Any person found to be in violation of any provision of this article shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) and/or imprisonment for not more than thirty (30) days pursuant to section 1-9(a). Each day's failure to comply with an order of the director shall constitute a separate offense.

(3) Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, and in no way pre-empts, supersedes, or bars prosecution for violation of this article under subsection (b) of this section.

(b) Any violation of this article is also declared to be a public nuisance and subject to removal or abatement upon a finding of violation by the superior court. An abatement action as contemplated by section 8-45 is discretionary and is not a precondition to criminal prosecution under this section, nor is a survey report by the director pursuant to section 8-45 a prerequisite for prosecution under this section.

(c) Any order issued pursuant to this article shall be recorded in the office where the land records are kept, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified to be corrected, such orders shall be removed from the record. All fees, costs, or charges assessed pursuant to this article shall be a tax lien upon the real property pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land records are kept.

Sec. 8-50. Implementation.

The effective date of the requirements under this article shall be ninety (90) days after city council passage of the article as amended. The existing article shall remain in effect until the effective date of the amended article.

Secs. 8-51--8-59. Reserved.

* Material stricken out deleted.

** Material underlined added.

ORIGINAL

AN ORDINANCE

IN RELATION TO
BUILDINGS AND BUILDING CONSTRUCTION* ARTICLE III,
ABATEMENT AND REHABILITATION OF VACANT BUILDINGS
AND STRUCTURES AND DANGEROUS STRUCTURES*


Introduced by

~~Committee~~ Public Works Dept.; Public Works Com; Code
Enforcement Office

Read in City Council first time

October 5, 2009

Attest,



, Clerk

Rules suspended, and ordinance placed in all stages of passage.

, 2009

Attest,

, Clerk

Read in City Council second time

December 7, 2009

Attest,

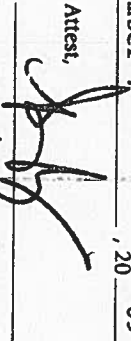


, Clerk

Passed in City Council at meeting held

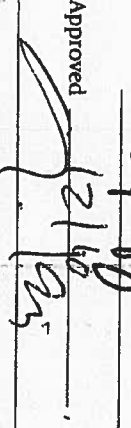
December 7, 2009

Attest,



, Clerk

Approved



, Mayor

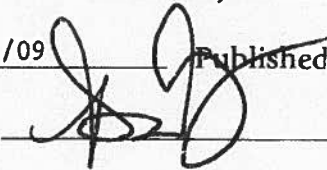
Benjamin W. Pacy, Asst. CAO

I, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Tuesday day,

namely the 22nd day of December, 2009.

Adopted 12/07/09 Published 12/22/09 Effective 01/12/10



Asst. CAO, City Clerk

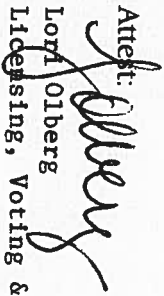
* * * * *

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Public Works Department
Code Enforcement Office

Attest:



Lori Olberg
Licensing, Voting & Records Coordinator

* * * * *

DIVISION 4. SPACE AND OCCUPANCY**Sec. 18-90. Space.**

Every dwelling unit shall contain a minimum habitable floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant, up to a limit of three (3) and at least fifty (50) square feet for each additional occupant after four (4).

(Ord. of 8-4-86)

Sec. 18-91. Floor area for bedrooms.

Each room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant. If the occupancy of any room or dwelling unit exceeds the square footage requirements, the code official may order the number of persons sleeping or living in said room or dwelling unit to be reduced.

(Ord. of 8-4-86)

Sec. 18-92. Cellars and other prohibited occupancies.

(a) No cellar shall be used for living purposes.

(b) Basements shall not be occupied for living purposes unless all applicable requirements for rental housing are met. (Ord. of 8-4-86)

Sec. 18-93. Calculation of floor area.

Floor area shall be calculated on the basis of habitable room area. Closet area and hall area within the dwelling unit, where provided, may not be counted as required habitable floor area. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of any part of any room where the ceiling height is less than six (6) feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

(Ord. of 8-4-86)

DIVISION 5. FIRE SAFETY REQUIREMENTS***Sec. 18-94. Fire safety generally.**

The provisions of this section govern the minimum fire safety facilities and equipment to be provided. All fire safety facilities and equipment shall comply with the requirements listed herein insofar as they are applicable. Unless specified otherwise, the owner of the structure is responsible for maintaining fire safety facilities and equipment. To provide for consistent enforcement of this division, orders issued pursuant to this section must be appealed to the appeals board under the rules established in Chapter 8 of this Code of Ordinances.

(Ord. of 8-4-86)

Sec. 18-95. Means of egress.

Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two (2) safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade. At a minimum, standards for the maintenance of a required means of egress shall be governed by the following:

- (a) All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.
- (b) Ladders or any other exit method which does not comply with the requirements of the building code as adopted by the city in section 8-2 of this Code are not an acceptable means of egress and shall be removed or augmented by an acceptable means of egress.
- (c) All required fire escapes shall be structurally sound and maintained safe and useable and free of snow and ice.

*Cross reference—BOCA Fire Code adopted, § 13-1.

- (d) All required exit signs shall be maintained illuminated and visible.
(Ord. of 8-4-86; Ord. of 11-8-93)

Sec. 18-96. Accumulations and storage.

Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential usage.
(Ord. of 8-4-86)

Sec. 18-97. Fire resistance ratings.

Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation or construction is preserved.
(Ord. of 8-4-86)

Sec. 18-98. Fire protection systems.

All required fire protection systems and equipment including fire alarms, fire suppression systems, standpipe systems and fire extinguishers shall be maintained in proper operating condition at all times.
(Ord. of 8-4-86)

Sec. 18-99. Smoke detectors.

(a) Each and every dwelling, rooming house, dwelling unit or rooming unit let to another for occupancy shall meet the following requirements for smoke detectors/alarms.

- (1) Smoke detectors/alarms shall be installed in the following, areas:
 - a. In every sleeping room or area;
 - b. Outside every sleeping room or area in the immediate vicinity of the sleeping room or area; and
 - c. On all levels of the dwelling, dwelling unit, rooming house, or rooming

unit, including basements but excluding crawl spaces and unfinished attics.

- d. Notwithstanding the above installation locations, detectors/alarms shall not be located within kitchens or garages or in other spaces where temperatures can fall below forty (40) degrees F (four (4) degrees C) or exceed one hundred (100) degrees F (thirty-eight (38) degrees C). Detectors/alarms shall not, unless specifically listed for the application, be located closer than three (3) feet (0.9 m) horizontally from:
 1. The door to a kitchen.
 2. The door to a bathroom containing a tub or shower.
 3. The supply registers of a forced air heating or cooling system, and outside of the airflow from those registers.

- (2) Smoke detectors/alarms shall receive their operating power from the building electrical system but shall also receive power from a battery when the building electrical system power is interrupted.
- (3) Smoke detectors/alarms within each dwelling unit or rooming unit shall be interconnected so that the sensing of smoke by one detector sounds the alarms of all detectors within that dwelling unit or rooming unit.
- (4) Smoke detectors/alarms shall be approved or listed by a nationally recognize testing or listing agency for the purposes for which they are intended.
- (5) Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.

(b) All other dwellings, rooming houses, dwelling units or rooming units not covered by (a) shall have a smoke detector/alarm installed adjacent to bedroom areas. Such smoke detectors/alarms shall be approved or listed by a nationally recognized testing or listing agency for the purposes for which they are intended.

(c) *Effective date.* Unless an extension is granted by the Burlington Code Enforcement Office pursuant to subsection (d) of this section, the provisions of section 18-99(a) shall take effect on May 31, 2004. Between the effective date of this subsection (c) and May 31, 2004 and during the period of any extension granted pursuant to subsection (d), the provisions of subsection (b) shall apply to all dwellings, rooming houses, dwelling units, and rooming units whether or not they are let to another for occupancy.

(d) *Procedure to request extension of effective date.* If the owner of one or more dwellings, rooming houses, dwelling units or rooming units let to another for occupancy files with the Burlington Code Enforcement Office:

- (1) A certification that all of such units, dwellings and houses owned by the owner in the City of Burlington presently contain and shall continue to contain for the period of implementation smoke detectors which are approved or listed by a nationally recognized testing or listing agency; and
- (2) A certification that all of the smoke detectors referred to in clause (1) are presently properly installed and shall continue to be so for the period of implementation in accordance with manufacturer's specifications adjacent to all bedroom areas on each level of the applicable buildings and are operating and maintained in good working condition and shall continue to be so for the period of implementation; and
- (3) A written plan of implementation pursuant to which all units owned by the owner within the City of Burlington shall be brought into compliance with section 18-99(a) over time, but not later than May 31, 2007, then, subject to the approval of the Burlington Code Enforcement Office, as described below, implementation of section 18-99(a) shall take place in accordance with the plan of implementation on or before May 31, 2007 with respect to the building(s) for which the certification and plan have been provided.

The submission of a written plan accompanied by the smoke detector certifica-

tions shall stay the enforcement of the provisions of section 18-99(a) with respect to the units identified in the plan, pending approval or denial of the request for an extension. The Burlington Code Enforcement Office shall approve in writing the extended implementation date set forth in the written plan for any owner that reasonably satisfies the requirements of this subsection and subsection (e). Failure of the code enforcement office to approve, deny, or request further information from an owner in response to a request for an extended implementation date submitted in accordance with the provisions of this subsection and subsection (e) within 60 days of the date of such submission, or within sixty (60) days of the submission of the additional information requested by the code office, shall be deemed to constitute an approval of the extended implementation date and the owner shall carry out the implementation plan described in subsection (3), above.

(e) *Implementation plan requirements; denial of extension.* An implementation plan described in subsection (d)(3) shall, at a minimum, include a statement of need for the extension, a cost estimate for compliance, and a timeline for all units to be in compliance, with benchmarks, phasing, and any other relevant details. In addition to a denial based upon a failure to comply with the requirements of this subsection or subsection (d), a request to extend implementation for all units subject to such request may be denied should the code office determine with respect to any unit for which an extension has been requested: (i) that violations of one or more minimum housing fire division standards exist in the unit or (ii) that there is an outstanding order by fire code enforcement officials for the unit, or (iii) the owner has failed to comply with two (2) or more unappealed orders issued during the previous three (3) years by either fire or housing code enforcement officials and that in each such instance, the owner was not granted an extension for compliance, or (iv) any other specific and identified condition or conditions related to fire safety in the unit which pose(s) a substantial and immediate risk to the

safety of persons or property. Except as provided in clause (3), a request to extend implementation may be renewed following resolution of such outstanding violation or order.

(f) *Procedure to request equivalent systems.*

- (1) At any time, an owner of a dwelling, rooming house, dwelling unit or rooming unit let to another for occupancy may request the code office to grant the owner an exception, an alternative, an equivalent system or a variance from the requirements of section 18-99(a). Any such request for an exception, alternative, equivalent system or variance shall be made in writing and shall be based upon either a current or a proposed system for smoke or fire detection within the dwelling, rooming house, dwelling unit or rooming unit.
- (2) A request for approval of an exception, alternative, equivalent system or variance shall be granted to the owner by the code enforcement office if the owner demonstrates that the existing or proposed smoke detector system complies with the applicable provisions of the smoke detection protocols established by the code enforcement office pursuant to section 18-25A of the Ordinances and subsection (g) of this section 18-99. The Code Enforcement Office shall respond to the request in writing within 30 days and shall either approve or deny an exception, an alternative, an equivalent system or a variance. The office's response shall provide the applicant with a written explanation for any denial of the application, with specific reference to the facts and to the applicable smoke detection protocols.
- (3) An owner may appeal the office's denial or approval with conditions by filing a written appeal with the chief of the code enforcement office within thirty (30) days of the date of the written decision. The appeal shall specifically state the reasons why the owner believes that the office's decision was erroneous, and shall make specific reference to the smoke detector

protocols. The chief of the code enforcement office shall issue a written decision on the appeal or shall request additional information within thirty (30) days of the date of the appeal. A denial of the appeal by the chief of the code enforcement office shall contain a written explanation for the denial and shall specify the facts and the protocols upon which the decision is based. If no decision is made within thirty (30) days of the appeal or, if applicable, within thirty (30) days of the date that the requested additional information is received, the original application of the owner shall be deemed to be approved.

- (4) Nothing in this subsection 18-99(d) shall be deemed to limit the right of an owner to pursue an appeal under section 18-94 of the Ordinances, provided that such an appeal may not be filed unless an appeal has first been denied in whole or in part by the Chief of the Code Enforcement Office pursuant to this subsection (f) of section 18-99.

(g) *Smoke detector protocols.* The code enforcement office shall, not later than May 31, 2003, adopt an initial set of smoke detection protocols which establish criteria for exceptions, alternatives, equivalent systems and variances from the requirements of section 18-99(a). Such protocols may adopt by reference the forms of equivalency found in Burlington's adopted fire and building codes and shall provide an equal or greater level of safety to that set forth by the requirements of section 18-99(a). The adoption of smoke detection protocols shall conform to the procedures required in section 18-25A for the adoption of protocols for exceptions, alternatives, equivalent systems and variances from the strict provisions of Chapter 18 (Housing) of these ordinances.

(h) *Penalties.* Notwithstanding section 18-31 of the Burlington Ordinances, any person who intentionally disconnects or otherwise disables a smoke detector installed and maintained in accordance with the provisions of this section shall be subject to a civil fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00), with a waiver penalty of one hundred fifty dollars (\$150.00). If a smoke detec-

tor is disconnected or disabled, that fact shall create a rebuttable presumption that the adult occupants of the dwelling unit were responsible for the act of disconnecting or disabling the smoke detector.

(Ord. of 8-4-86; Ord. of 2-19-02; Ord. of 2-18-03)

Sec. 18-100. Interpretation and relationship to other fire protection and life safety code requirements.

The requirements set out in sections 18-94 to 18-99 are minimum requirements for existing dwelling units regardless of age, years in service or type of dwelling. More stringent standards may take effect where the dwelling use is altered as in the case of dormitory or roominghouse uses or where substantial renovation, remodeling or new construction requires the application of specific additional standards for that type of use or construction. Conformance with the requirements of this section does not in any way limit the application of additional requirements where applicable.

(Ord. of 8-4-86)

Sec. 18-101. Carbon monoxide (CO) detectors.

(a) For rental units, as defined by this chapter, carbon monoxide detectors which are UL 2034 listed or approved by a nationally recognized independent testing laboratory shall be installed in the vicinity of the sleeping areas and on every floor of the dwelling in accordance with the manufacturer's instructions and state law.

(b) Anyone installing smoke detectors pursuant to section 18-99 after the effective date of this section [10-19-2005] shall install either a combination smoke detector/carbon monoxide detector device or a combination system providing smoke and carbon monoxide detection and alarm in the vicinity of the sleeping areas and on every floor of the dwelling in accordance with the manufacturer's instructions and state law.

(c) Owners shall keep the following records relating to the installation and maintenance of CO detectors or systems:

- (1) the model and make and date of installation of each detector or system;

- (2) the power source of the detector or detection system;
- (3) the location where each detector was installed;
- (4) maintenance records.

These records must be made available to any city building trades, fire, housing, or health inspector upon request.

(d) Responsibilities. Owners shall provide and maintain the detectors required by subsection (a).

(e) Habitability. A dwelling shall be deemed uninhabitable under the provisions of this chapter if an order to comply with subsections (a) and (b) is issued and not complied with in the time specified, unless a written extension has been granted.

(f) The seller of a residential dwelling transferred by sale or exchange shall certify to the buyer that the dwelling is provided with the carbon monoxide detectors required in subsection (a). This certification shall be signed and dated by the seller and filed in the land records at the time of recording the transfer. If the buyer notifies the seller within ten days by certified mail from the date of conveyance that the dwelling lacks a carbon monoxide detector or that the detector is not operable, the seller shall comply with this section within ten days of notification.

(Ord. of 9-19-05, eff. 10-19-05)

Secs. 18-102—18-103. Reserved.

DIVISION 6. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 18-104. General working conditions.

Generally every supplied appliance, plumbing fixture, heating device or system, or utility which is required under this article, and every chimney and smoke pipe shall be so constructed and installed so that it will function safely and effectively and shall be kept in sound working condition.

(Ord. of 8-4-86)

BURLINGTON PUBLIC WORKS COMMISSION MONTHLY MEETING

645 Pine Street

MINUTES – December 19, 2012
(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau (new commissioner), Matt Conger (Secretary), Asa Hopkins, Nathan Lavery (Chair), Solveig Overby and Mark Porter (Vice Chair)

Commissioner Lavery called the meeting to order at 6:37 p.m.

ITEM 1 – AGENDA

Director Goodkind asked if the Commission would like to consider changing the monthly meeting start time. Commissioner Lavery declined, stating that one of the commissioners has a commitment prior to the monthly meeting. The meetings will continue to begin at 6:30 p.m.

ITEM 2 – PUBLIC FORUM

Brian Perkins – Decatur Street resident, thanking staff for their recommendation that a STOP sign be placed at the Decatur Street/Winooski Avenue intersection. Mr. Perkins and his family continue to monitor the crosswalk out of concern for their child who uses it daily.

ITEM 3 – EDMUNDS MID-BLOCK CROSSING CONCEPTUAL PLAN

(Steven Goodkind, Director)

(Oral communication) The concept plan will be used for obtaining required environmental permits, and staff's goal is to begin building sometime this spring (with bump-outs on either side; an island in middle; rapid flashers (pedestrian activated flashers); etc. Included in the project (but not on this plan) will be the installation of "School Zone" flashing lights and signs near Willard and Union Streets. Delivery of the equipment is expected to be this winter and installation should be fairly quick, as preparation work is being done now.

ITEM 4 – STOP SIGN REQUEST – NORTH WINOOSKI AVE. AT DECATUR STREET

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated December 19, 2012) Staff recommends that the Commission adopt multi-way stop control at this intersection. **Commissioner Alberry moved** to accept staff's recommendation to install a STOP sign southbound on North Winooski Avenue at the intersection of North Union and Decatur Streets; Commissioner Conger seconded. Discussion: Mr. Fleming will contact the Burlington Electric Department requesting improved lighting at that intersection. Senior civil engineering students from UVM will be studying this section of the roadway this spring as part of their coursework and will share their findings with DPW staff. Unanimous approval.

Commissioner Lavery invited the newly-elected DPW commissioner, Tiki Archambeau (Crombie Street/Ward 2 resident) to take his seat at the commissioners' table.

ITEM 5 – 205 ST. PAUL STREET – ADDING A 15-MINUTE SPACE

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated November 28, 2012) Staff recommends that the Commission adopt a 15-minute parking space in the first space south of Maple Street on the west side of Saint Paul Street. In response to discussion of possibly restricting the hours of the 15-minute parking limitation in that proposed space, Assistant Director Normal Baldwin copied and distributed a page from the City of Burlington Ordinance book, "Supp. No. 22, Sec. 9. Fifteen-minute parking (a)." Mr. Fleming stated that if the requestor moves their pizzeria, the designated space could be removed. **Commissioner Porter moved** to install a 15-minute space with time restricted to 15 minute parking "...between the hours of 8:00 a.m. and 10:00 p.m., Sundays and holidays excepted..." Commissioner Hopkins seconded. Unanimous approval.

ITEM 6 – 27 CAROLINE STREET – PARKING CHANGES

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated December 19, 2012) Staff recommends that the Commission adopt a parking prohibition of 45' from Catherine Street on the west side of Caroline Street. However, yesterday, Mr. Fleming received an e-mail from the Caroline Street resident asking him to dismiss the initial request because the result is less satisfactory than the present situation (a large van has begun parking in the area on a regular basis, affecting site distance for the resident. The resident informed Mr. Fleming that they would rather deal with a vehicle occasionally parking too close to their driveway than creating a new parking space for a vehicle which impedes site distance.). Mr. Fleming will send the resident an e-mail as a follow-up and if she wants further suggestions, Mr. Fleming will explore the possibility of moving parking back from corners in that area 5 – 10'. **No action will be taken at this time.**

ITEM 7 – MAIN STREET – ADDING 3-HOUR PARKING METERS

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated December 19, 2012) Staff recommends that the Commission adopt the parking layout shown in the drawing; the addition of three (3) metered spaces on the north side, three (3) metered spaces on the south side, and bike lanes. Meters would not be installed until the spring.

Concern was voiced over the affect these changes would have on the turning lane for northbound traffic headed up Main Street and turning onto South Union Street, as well as anticipating treatment suggestions during the summer's paving and Complete Streets analysis. **No action was taken.** Mr. Fleming will return to the January Commission meeting with more information.

ITEM 8 – 240 NORTH WILLARD ST. – ADDING HANDICAPPED PARKING SPACES

(Joel Fleming, Public Works Engineer)

(Refer to Commission packet for Mr. Fleming's Memo dated December 19, 2012) Staff recommends that the Commission adopt a handicapped parking space in front of 240 North Willard Street. After discussing available off-street parking availability, **Commissioner Hopkins moved** to accept staff's recommendation. Commissioner Overby seconded. Unanimous approval.

ITEM 9 – PUBLIC WORKS COMMISSION APPEAL PROCESS BRIEFING

(Norman Baldwin, Assistant Director)

(Refer to Commission packet for handout, “Guidance for the Conduct of Appeal Hearings” dated July 11, 2011) Mr. Baldwin handed out additional information on appeal processes:

- 1) A cover Memo dated December 19, 2012 – “Items to be heard by the Public Works Commission as a Board of Appeal” (**NOTE:** second page, last column in table titled, “Commission Meeting to be heard,” dates of 2/16/13 should instead read “1/16/13.”)
- 2) Memorandum of Understanding dated January 14, 2002 signed by the Directors of Public Works and Code Enforcement.
- 3) “City of Burlington Ordinance 7.0...” adopted 12/07/09 and effective 01/12/10, “...An Ordinance in Relation to Buildings and Building Construction*, Article III, Abatement and Rehabilitation of Vacant Buildings and Structures and Dangerous Structures*”.
- 4) Supp. No. 2 from the Burlington Code of Ordinances (BCO), “Housing” section, CD18:25 – CD18:29. Mr. Baldwin explained that the documents outline the framework of how the Commission should hear an appeal. He advised the commissioners to read the documents and contact him with any questions. The Commission is scheduled to hear two appeals at the January and February meetings. City Attorney Eugene Bergman is prepared to attend the January meeting as an advisor.

Mr. Baldwin has asked the appellants to provide information for inclusion in the January and February packets; Code Enforcement will also provide documentation. Mr. Baldwin will be present at both meetings and will guide the Commission. The Commission will hear the testimony and receive/review documentation, convene as a governing body later that evening or at another time to discuss the appeals, and then render a decision, which the Commission will put in writing for the City Attorney to formally issue at a later date. Per Commissioner Overby’s request, Mr. Baldwin will copy the Commission on the letters he will send out to the appellants (by the end of the week) scheduled for the January meeting.

ITEM 10 – FY14 STREET CAPITAL RECONSTRUCTION LIST

(Erin Demers, Public Works Engineer, Street Capital Program Manager)

(Refer to Commission packet for Ms. Demers’ Memo dated December 10, 2012) Ms. Demers presented the FY’14 list for the Commission’s approval as required by ordinance. After receiving bid results, she will return to the Commission with more information. She is also required by ordinance to inform residents by April 15th of the planned street reconstruction.

If the Complete Streets analysis requires ramps, for example, it may increase the estimated cost of the project. If there are funds left after the reconstruction on the approved list has been completed, Director Goodkind advised that Foster Street would be added this year.

Commissioner Porter requested that Ms. Demers ensure that there is in the contract a formal requirement for the contractor to grade the asphalt around the structures prior to laying the final coat.

Commissioner Porter moved to approve the FY’14 Street Capital Reconstruction List; Commissioner Alberry seconded. Unanimous approval.

Ms. Demers then handed out “Appendix E, 22’ Speed Hump Detail” and explained the difference between a speed hump and speed bump.

ITEM 11 – NACTO AFFILIATE MEMBERSHIP & URBAN DESIGN MANUAL

(Nicole Losch, Transportation Planner/Bicycle & Pedestrian Program Manager/Environmental Planner)

(Oral Communication/PowerPoint presentation) Ms. Losch reviewed the many benefits of being affiliated with the National Associations of City Transportation Officials (NACTO), and having been accepted as an affiliate member of the American Association of State Highway Transportation Officials (AASHTO).

ITEM 12 – HYDE STREET PILOT PROJECT

(Nicole Losch, Transportation Planner/Bicycle & Pedestrian Program Manager/Environmental Planner)

(Oral Communication) The pilot, implemented as a 30-day trial in response to a traffic calming request, ended last week. Staff received a handful of comments; all but one was supportive. Ms. Losch will schedule a meeting, possibly as early as January, to review the data with the residents. She will then return to the Commission with more information.

ITEM 13 – NEIGHBORHOOD PARKING/STRIPING SUGGESTED PILOT PROGRAM

(Steven Goodkind, Director)

Oral Communication. (See two handouts: “Neighborhood Parking Pilot Project-Draft 12/19/12;” and a letter to Director Goodkind from William Burns, Traffic Foreman listing streets for the Commission to consider if they wish to test painting parking stalls or buffer zones next to driveway cuts. The painted lines would be strictly advisory, not regulatory.) The intent is for the Commission to be responsive to the request by the City Council in their resolution to improve residential parking. Per Commissioner Lavery’s request, Director Goodkind will formulate a cover memorandum, gather all other documents from the date of the City Council’s resolution, including these two handouts, and forward to the City Council.

ITEM 14 – MINUTES OF 11/28/12

Commissioner Alberry moved to accept the Minutes as written Commissioner Porter seconded.

ITEM 15 – DIRECTOR’S REPORT (Steven Goodkind, Director)

- Customer Service Program: Still work to be done to refine the program. Due to the loss of a key I.T. staff member, remaining staff have been focusing on the “New World” financial program. Customer Service staff continue to use the new (customer service) program, and Director Goodkind and staff are beginning to formulate timelines of completion. He will report back to the Commission on the Customer Service Program at the January meeting.
- Staff has been working hard to repair the severe damage caused by Tropical Storm Irene. Director Goodkind praised the relentless work of Assistant Director Baldwin and DPW Engineer David Allerton in the repairs to: the boardwalk at North Beach; the Burlington Bike Path by the cemetery; the retaining wall along the Burlington Bike Path north of Starr Farm Road; and the Burlington Bike Path along the Beltline. The Burlington Parks Department contributed in development at the outset but the design and construction was done by DPW staff. These were recovery projects paid out of FEMA and other funds; staff time was recovered by FEMA. The Commission was invited to go on DPW’s Facebook account and check out the progress of the projects.
- Rebuilding of Church Street electrical lighting project is nearly complete.

- Pearl Street at the head of Church Street: Crossing, signals and bumpouts are now in place.
- Signals at St. Paul Street will be up this spring.
- DPW Streets staff is now in “snowfighting” mode.
- Christmas tree collection: January 8, 2013.

ITEM 16 – COMMISSIONER COMMUNICATIONS

Commissioners Overby, Hopkins and Archambeau: No communications.

Commissioner Porter

- University Terrace resident asked Commissioner Porter if there is anything the Commission can do about cars using University Terrace as a turn-around, such as putting up a sign discouraging the activity. The suggestion was made to approach UVM for suggestions.
- Expressed concern over the loss of commuter parking at the Shelburne Street Price Chopper (serving Burlington-Montpelier commuters). Commuters are now parking in the Shaw’s parking area near Walgreens. This is private property and it may be only a matter of time before the commuters are asked not to park there. Director Goodkind will contact CCTA to inquire about this.
- Sidewalks: Doesn’t want to lose momentum. Director Goodkind stated that staff will do one more round of data evaluation. Commissioner Porter asked for a proposal by the March time-line; however, Director Goodkind stated that everything will depend on the status of the “New World System” financial software.

Commissioner Alberry – Macy’s parking garage entrance: two handicap-accessible spots – 1 post is missing and the markings are not visible. Director Goodkind will look into this.

Commissioner Lavery – Hopes to invite John King of Parking Enforcement at BPD to the January meeting to talk about changes to resident parking.

Commissioner Conger will try to bring something to the January meeting about CarShare. He hopes to have something to give to give to Val in Customer Service to include in the Commission packet, prior to the January meeting.

ITEM 17 – ADJOURNMENT AND NEXT MEETING DATE

The next meeting of the DPW Commission will be held on Wednesday, January 16, 2013.

Commissioner Alberry moved to adjourn at 9:30 p.m. Commissioner Conger seconded.