



## Town of Colchester Selectboard Notice of Public Hearing

Pursuant to Title 24 Appendix VSA, Chapter 113, Sec. 105(a)(b), the Colchester Selectboard will hold a public hearing on Tuesday, May 25, 2021 at 6:35 PM. Residents are welcome to attend via phone: 1-929-205-6099; Meeting ID: 952 9673 1656; Passcode: 875044, or alternatively, send a note to [TownManager@colchestervt.gov](mailto:TownManager@colchestervt.gov) with "Citizens to be Heard-Building & Fire Code" in the Subject and their name. As with in-person Citizens to be Heard, we ask that you SHARE YOUR ADDRESS. The email will be shared with the entire Selectboard prior to the meeting and included in the information packet at the next meeting.

A summary of the proposed amendments to Chapter Four of the Colchester Code of Ordinance Building Code and Building Code Construction Ordinance is as follows: 1) Removing Town code requirements for commercial, industrial, institutional, and multi-family residential which are duplicative or exceeding those of the State's; 2) clarifications of grade, permit duration, fees, and pool equipment; 3) clarifying roles of the Building Inspector and Fire Chief; and 4) updating zoning to development regulations.

A summary of the proposed amendments Chapter Seven of the Colchester Code of Ordinance Fire Prevention and Protection Ordinance is as follows: 1) Town code requirements for commercial, industrial, institutional, and multi-family residential which are duplicative or exceeding those of the State's; 2) clarifying roles of the Building Inspector and Fire Chief; 3) removing façade accessibility standards in Section 7-8(e); 4) removing standards for areas not served by public water main distribution in Section 7-11; and 5) clarifying leaf disposal administration.

A complete set of the changes is available at:

<https://clerkshq.com/Colchester-vt?docId=PHAGENDA>

If you have questions regarding these amendments, contact the Colchester Town Manager's Office at 264.5509.

For publication no later than May 10, 2021 (15 days prior to Public Hearing)



# MEMO

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TO: Colchester Selectboard  
FROM: Aaron Frank, Town Manager and  
Sarah Hadd, Director of Planning & Zoning  
CC: Steve Bourgeois, Fire Chief  
DATE: May 5, 2021  
RE: Review of Services and Costs –  
Revisions to Colchester’s Building and Fire Codes

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**Issue:** In the summer of 2020, the Selectboard asked the Town Manager to explore services that we could discontinue, to save financial resources provided by the taxpayers. This was not a surprising request as the town has worked for the last eight years to reduce expenses by rebidding contracts and changing methods of service delivery while retaining the same level of service.

To this end, we have evaluated Chapters Four and Seven of the Colchester Code of Ordinances to see where the Town of Colchester overlaps with the State of Vermont for administration of building codes. The State of Vermont does not require permitting or enforcement of building code for owner occupied residential buildings of one unit or one owner occupied unit with an accessory apartment (Note 1). The Town of Colchester regulates building code for these dwellings by implementing the International Residential Code.

**General Recommendation:** The Town of Colchester should cease its practice of adding requirements onto the State Building and Fire Codes, as indicated in the stakeouts of attached Chapters 4 and 7 of the Colchester Code of Ordinances.

**Rationale:** The town added to the State Building and Fire Code in order to address a bad situation where our separate volunteer fire departments had come to request code changes through the Act 250 process, which did not provide clear expectations for developers. While this was imperfect it was better to create clear standards than derail project within Act 250 for Code issues.

**Implications:** In order to add code requirements above and beyond the State Building and Fire Code, the town had to adopt and inspect the State code as well as the town’s expanded code. This required a building inspector to inspect things the state was already inspecting (State Code requirements) as well as the expanded code. There was some benefit to the developers in that the town was sometimes able to inspect on behalf of the state. Although the added code requirements add cost and time to design and construction.

**Scope:** This memo discusses only general building code. It does not address plumbing, heating, gas, oil, electrical or mechanical code or inspections. The State regulates the repair and installation of generators, propane, natural gas and oil in all buildings,

including owner occupied single family buildings. Note 2 includes a link where the various trades and permits are regulated.

The State only regulates electrical for residential buildings with more than 2 units per building. The State only regulates plumbing (water and wastewater) if it is a) rented; b) more than one unit per building, or c) a single unit per building, including owner occupied which is connected to a public sewer or water system (including private community systems). It is far beyond the Town's capacity to regulate plumbing and electrical as we would require a licensed master plumber and electrician to do so. Note 3 explains exemptions on certain electrical and plumbing.

**Outline:** The remainder of this document addresses in increasing level of detail: A) Specific Recommendations; B) Current Conditions; C) Code Review; D) Code Background; E) State Jurisdiction F) State Delegation; and G) Notes

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## **A) Specific Recommendations**

**1) Single Family Residential:** We will continue to regulate and inspect general building aspects of single family residential, but as before, not to include, plumbing; natural gas, propane or oil; electrical and other trades beyond general construction. The Town charges comparable combined zoning/building inspection fees as do communities which do not inspect. We will evaluate the value of this program at a future time and assuming we recommend its continuation, expect to also recommend assigning an appropriate fee to it above and beyond the zoning permit fee. This way the inspections of new housing are not subsidized by residents who already live in Colchester.

**2) Other Than Single Family Residential:** Removing the review of building permits for multi-family residential, commercial, industrial, and institutional uses from Colchester's code will decrease responsibilities of the Town caused by current conflicting and overlapping standards. Removing this review will not eliminate the need to inspect commercial sites altogether as there will still be the need to evaluating compliance with DRB approvals. This change will simplify Colchester's permitting and reduce the number and complexity of our building inspections which will become limited to single-family residential: an area that the State does not regulate. We will still need to review other than single family development for compliance with zoning.

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## **B) Current Conditions**

**1) Fire and Fire Related Building Codes:** In 2020, the Town of Colchester created a Town Fire Department. The previous volunteer departments ceased and a single full time fire chief was hired to oversee fire services for the Town. This has created an opportunity

for portions of the code and duplicative permitting and inspection with the State to be re-evaluated.

Code for commercial, industrial, institutional, and multi-family residential buildings that goes beyond the State requirements may offer some additional perceived protection but it also complicates building and creates the need for local inspections and enforcement in specialized arenas that are difficult for the town to inspect and enforce. The majority of permitting in Colchester is for residential as noted in the Planning and Zoning Department's monthly reports. More than half of the new units in fiscal year 2021 are single-family dwellings. The majority of multi-purpose permits are for residential as well.

We have also had extensive and ongoing conversations with the town Fire Chief, Steve Bourgeois about these issues, going back to January of 2020 when he was hired.

**2) Town Building and Fire Code Inspections:** The Colchester Building Inspector performs up to four separate inspections. Buildings currently require: foundation/footing, framing, insulation, and final. Sheds and decks only require final inspections. The building inspector's work includes zoning compliance inspections, which is done in conjunction with other inspections when possible, but which also increases the number of inspections necessary. The result is that we have good understanding of what is built, but it takes resources to do this.

Over the past three fiscal years, the Inspector has performed 2,708 inspections resulting in an average of 903 inspections per year. Setbacks are taken at the first inspections to ensure zoning requirements are being met. The final inspection, or certificate of occupancy, also incorporates zoning requirements. On commercial properties, the final inspection will include ensuring that Development Review Board requirements for parking, landscaping, signage and other zoning that the State Fire Marshal does not perform. The Inspector is also the enforcement officer for stormwater and erosion control on construction sites for compliance with local regulations. Over the past three years, the Inspector gathered information on erosion control resulting in one local enforcement action and one state enforcement action. There are many other cases where planning and zoning gained voluntary compliance, which is their goal.

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**C) Code Review:** Chapter Four of the Code of Ordinances contains the majority of code requirements however Chapter Seven includes specific standards for fire access and private drives and roads. Sarah reviewed these ordinances for the following: 1) where there is overlap with the services provided by the State, 2) where Colchester's requirements specify something different than that which would be required by the State, and 3) where specifications are provided that are not provided in State or National Code.

Attached are marked up versions of Chapter Four and Seven noting these three areas with the first area highlighted in yellow, the second in green, and the third in blue.

For the first area of our review ([overlap with the State, in yellow](#)) the proposed draft could be implemented and review of all non-residential buildings ceded to the State. Inspections would still be needed by the Town for compliance with zoning and Development Review Board approvals on these multi-family, commercial, industrial, and institutional uses. If this overlap is completely removed the Town's ability to enforce building code regulations stricter than the State would also be forgone.

For the second area of our review, ([requirements different from federal or state, in green](#)) an example of our review with the town Fire Chief is the requirement in Chapter Four for all gas station canopies to be sprinklered. If the Town ceased to implement the State's code for all non-residential construction, the Town would not have grounds to require sprinklers for gas station canopies or other construction. However, we learned from Chief Bourgeois that we are not qualified to inspect these sprinklers and can only request that the gas station owners contract with a qualified private entity to make the inspection, which is what the State does. We also learned that: 1) the station sprinklers are not designed to put out vehicle fires, but rather smaller fires; 2) the State of Vermont does require station sprinklers when: a) the station is unattended self-service; b) the station pumps are not visible from staff; c) the station pumps are a certain distance from the building which is staffed; and that 3) most states do not require station canopy sprinklers and some that did, [have removed the general requirement](#).

The third area of review is for [specifications provided in Colchester Ordinances that are not otherwise specified in State and National standards, in aqua](#). Putting aside single-family residences, this area focuses mostly on fire access and private drive and private road standards. As no clear standards exist this area is more problematic to review. Changes to these standards also have potential implications on other regulations such as the Department of Public Works Standards and Specifications and the Development Regulations.

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**D) Code Background:** The Town of Colchester implemented Chapter Four Building Code and Building Code Construction Ordinance in 1968. It is unclear the level of code specified in its earliest incarnation but it was substantially updated in 1980. The Town administers building codes for all development with the understanding that codes are applied in parallel to, and of which some are duplicative of, those of the State. We have related inspections overlapping those of the State.

In 2005 the Selectboard amended Chapters Four and Seven to include standards that superseded existing state and national codes and provide for standards for private roads and emergency access. This was a time in which the separate Fire Departments enjoined in the Act 250 permitting process on projects they believe did not meet their standards. The Selectboard formed a subcommittee that worked with the then chiefs of the Town's two fire departments to codify acceptable standards. All road standards were removed

from the Town's zoning regulations and placed in either Chapter Seven or Chapter 14. This created the ability for only the Town's Director of Public Works or Building Inspector working with the two fire chiefs to waive road requirements. State and National codes provide for the "Authority Having Jurisdiction" or AHJ as the person to pass judgement on code compliance. The State generally defers to the applicable fire chief as the AHJ. In Colchester there were two standards with the two fire chiefs and different parts of town had different standards. Chapter Four defines the AHJ as the Building Inspector with input from the chiefs to provide for regularity. A dispute process was also put into place to resolve disagreements between the chiefs and the inspector. The standards developed and implemented in Chapters Four and Seven included some standards in excess of the National and State's codes. Some of these standards are not in State or National codes and were created to address Colchester specific issues.

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**E) State Jurisdiction:** The State of Vermont administers the "Vermont Fire and Building Safety Code" through Fire Marshals in its Division of Life Safety. This code encompasses all commercial, industrial, and institutional uses with some exceptions for in-home businesses. The code also covers multi-family residential excepting owner occupied buildings with a single accessory apartment. Agricultural buildings are exempt from regulation by the State Fire Marshals and local government, and full under the authority of the. Agricultural buildings are exempt from regulation by the State Fire Marshals and local government, and full under the authority of the Department of Agriculture. The Town of Colchester requires building / zoning permits for all development with exceptions for agricultural exempt property. The Town's permit is issued in parallel to the State's building permit as Colchester does not have delegation to regulate commercial, industrial, institutional, and multifamily residential from the State. This approach of local zoning/building permits in addition to state building permits is common in to the process in all but the smallest of communities in Vermont.

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**F) State Delegation:** Delegation from the State allows municipalities to take over portions of the State's permitting programs. Several municipalities have been delegated by the State with the most proximate being Burlington and South Burlington. The State does not generally allow new delegations as they remove authority and revenue stream from the State. No municipality has complete delegation as many complex permits such as elevators or hospitals have requirements for specific inspector credentials that are not worthwhile for municipalities to invest in. Municipalities that have received delegation retain revenues associated with the delegated permits are not reliant upon State Fire Marshals to perform the majority of inspections which is seen as beneficial given the length of time often required to schedule State Fire Marshals. This delegation comes with additional responsibility, liability and cost including retaining a credentialed inspector, which works better in an environment with a much higher volume and scale of construction than has Colchester. It also becomes more important in a denser and more heavily commercial urban environment such as Burlington.

As Colchester does not have nor wishes to seek delegation, permits are issued with the note that additional State permits may be required. For all non-residential permits as noted herein, an applicant must also receive a State permit. Permit fees are paid to both the municipality and the State as they are in all communities without jurisdiction. The Town and the State will inspect properties for which there is shared jurisdiction together.

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**G) Notes:**

Note 1: State Building Code exempts only owner occupied residential buildings of one unit or one owner occupied unit with an accessory apartment (overnight rentals are not exempted):

[http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs\\_rules\\_firecode2015\\_current.pdf](http://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_firecode2015_current.pdf)

<https://legislature.vermont.gov/statutes/fullchapter/20/173>

Note 2: Licensing and inspections required:

<https://firesafety.vermont.gov/licensing/licenses-web-portal>

Note 3:

State Electric Code exempts only residential buildings of 2 or fewer units:

[https://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs\\_rules\\_electrical\\_current.pdf](https://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_electrical_current.pdf)

State Plumbing Code (water and wastewater) exempts only owner occupied single family residential buildings of 1 unit and only when that one unit is not connected to a public sewer or water system (including private community systems)

[https://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs\\_rules\\_plumbing\\_current.pdf](https://firesafety.vermont.gov/sites/firesafety/files/files/rules/dfs_rules_plumbing_current.pdf)





## MEMO

TO: Colchester Selectboard  
FROM: Aaron Frank, Town Manager and  
Sarah Hadd, Director of Planning & Zoning  
CC: Steve Bourgeois, Fire Chief  
DATE: May 5, 2021  
RE: Colchester's Building and Fire Codes

Amendments are proposed to the Colchester Code of Ordinance Chapters Four (Building Code and Building Code Construction Ordinance) and Seven (Fire Prevention and Protection Ordinance) to eliminate duplication with the State of Vermont in the review, approval, and inspection of commercial, industrial, institutional, and multi-family dwellings. As a result of these changes, Town code requirements for commercial, industrial, institutional, and multi-family residential that are more restrictive than the State will also be eliminated. Below is a summary of the changes proposed.

### Chapter Four Building Code and Building Code Construction Ordinance

1. Section 4-2 incorporate by reference definitions in Development Regulations for clarification;
2. Section 4-3(b) and (d) eliminate Vermont Fire and Building Safety Code and America with Disabilities Act as codes that are reviewed by the Town as these are duplicative with the State;
3. Section 4-20 and 4-65 update from zoning bylaws to Development Regulations as the combined zoning and subdivision regulations;
4. Section 4-23 clarify building permit expiration to match zoning expiration as combined permit;
5. Section 4-25 clarify and simplify building permit exemptions;
6. Section 4-28 Fire Protection Measures remove as exceeding the State's code with regard to commercial, industrial, institutional, and multi-family dwellings.
7. Section 4-40 delete FC with regard to condemning buildings;
8. Section 4-65 delete Health Officer with regard to pool modifications and clarify setbacks for pool equipment;
9. Throughout the regulations correct typos, capitalization, and section numbering.

### Chapter Seven Fire Prevention and Protection Ordinance

1. Section 7-3(b) and 7-5(i) to eliminate Vermont Fire and Building Safety Code as code reviewed by the Town that is duplicative with the State;
2. Section 7-5 amend resolution for disagreements to remove the inclusion of the VT Division of Fire Safety as no longer applicable;
3. Section 7-8(e) remove exterior façade accessibility requirements as being more restrictive than the State's code;
4. Sections 7-9 Fire Hydrants and 7-11 Areas Not Served by Public Water Main Distribution remove requirements for alternative water source or sprinklers for structures not served by municipal water;



5. Section 7-12 Fire Alarms remove BI as enforcing false alarms and non-compliance;
6. Section 7-13 remove definition of unsafe facility as not being necessary for open burning requirements;
7. Section 7-14 Open Burning clarify that Fire Chief and fire department regulate open burning and clarify leaf disposal administration.

Attached are the draft codes in full. As always, please let me know if questions.

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

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

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Chapter 4

Building Code and Building Construction Ordinance

Art. I.	In General,	§§ 4-1 – 4-9
Art. II.	Permits and Fees,	§§ 4- <del>820</del> ———— 4- <del>1539</del>
Art. III.	Unsafe Buildings and Structures,	§§ 4- <del>1640</del> ———— 4- <del>2359</del>
Art. IV.	Swimming Pools,	§§ 4- <del>2460</del> – 4-67

Chapter 4

Article I. In General

Sec. 4-1. Short title.

This Chapter shall be known as the Colchester Building Code.

Sec. 4-2. Definitions.

Unless otherwise stated, the definitions as given in the listed codes, adopted in Section 4-3, shall be used for the purpose of this ordinance. The Colchester Development Regulations shall be used for the purposes of defining grade.

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

(a) Pursuant to Title 24, Chapter 83, Section 3101 and Title 24, Chapter 59, Section 1971 of the Vermont Statutes Annotated (V.S.A), the Town of Colchester, for the purpose of establishing rules and regulations governing the construction, inspection, materials, alteration, relocation, demolition, equipment, repair, use occupancy, maintenance and operation of buildings, structures or premises, and for the prevention of fires, removal of fire hazards, prescribing standards necessary to protect the public, employees and property against harm arising out of or likely to arise out of fire, hereby adopts, the herein listed nationally recognized safety standards except such portions as are hereinafter specifically excluded. The adoption of such herein listed standards are incorporated fully from the date on which this ordinance (Ordinance of April 24, 1984) shall take effect and the provisions thereof shall be controlling in the construction alteration, repair and maintenance of all buildings and structures therein contained within the limits of the Town of Colchester.

(b) The "~~Vermont Fire and Building Safety Code~~" as amended from time to time and ~~the~~ International Residential Code, excepting Section P2904, as amended from time to time are herein adopted. Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of the ~~Vermont Fire and Building Safety Code and the~~ International Residential Code be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these regulations, except those portions pertaining to the section in question.

(c) Chapter 7 of the Colchester Code of Ordinance, The Fire Prevention, Fire Protection, and Life Safety Regulations, as amended from time to time is herein adopted and shall supersede the Vermont Fire and Building Safety Code when in conflict.

~~(d) The "Americans With Disabilities Act" is, herein adopted.~~

~~(e)~~(d) Provisions and appendices which are referred to in the adopted articles, sections and chapters shall be utilized to the extent necessary to effectuate the purpose of the adopted articles, sections and chapters and this ordinance.

~~(f)~~(e) In the event there is a conflict between the provisions of the codes adopted by reference in this Section and the other provisions of this Code or ordinances of the Town, the more restrictive Code or ordinance of the Town shall prevail.

~~(g)~~(f) The invalidity of any section of this Code or of the codes hereby adopted shall not invalidate other sections or provisions thereof.

Sec. 4-4. Building Inspector – Appointment.

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

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

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

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

to the overall direction of, the BI, shall serve as municipal officials and shall possess all the authority of a municipal official in the enforcement of said regulations.

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

Sec. 4-6. Appeals.

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

- (a) Any interested person, aggrieved by an order of the BI made in accordance with the provisions of this Chapter, may appeal. Interested persons are persons aggrieved by the order on appeal, and include but are not limited to the BI, the applicant, the person or entity owning title to the property affected by the decision, and/or the aggrieved person's architect or builder.
- (b) At the discretion of the appellant, an appeal pursuant to this Section ~~47-6~~ may be taken to the board of arbitrators discussed in subsection (b) below or to the Criminal Division of the Vermont Superior Court. Such appeal shall be filed within five (5) business days after the receipt of the order being appealed. The taking of the appeal shall operate as a stay. The board of arbitrators or the court shall have the power to annul, amend, modify, or affirm the order of the building inspector.
- (c) Should the appellant choose to appeal to a board of arbitrators, the appellant shall file with the BI a notice of appeal setting forth the reasons for the appeal by personal delivery or by leaving said notice of appeal at the office of the BI. A copy of said notice of appeal shall also be provided to the Town Clerk. The board of arbitrators shall be assembled and composed as described in 24 V.S.A. § 3110. A decision of a majority of the board of arbitrators thus composed, when reduced to writing, sworn to and filed in the BI's office, shall be final and conclusive upon the parties. Upon the

filing of such decision, work may be immediately resumed in accordance therewith. The expense of such arbitration shall be paid by the appellant.

- (d) Should the appellant choose to appeal to the Criminal Division of the Vermont Superior Court, the appellant shall file a Complaint with the court, and shall provide copies to the BI and the Town Clerk. Pursuant to 24 V.S.A. § 3111, the judge shall forthwith inquire into the facts or by a committee appointed by the Court, and make such order as the Court deems proper under the circumstances. In the Court's discretion, it may tax costs in favor of the prevailing party and issue execution therefore. Upon the entry of judgment, work may be immediately resumed in accordance therewith.

Sec. 4-7. Penalty for violations.

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

- (a) *Municipal Civil Complaint Ticket.* Pursuant to 24 V.S.A. Chapter 59 and 4 V.S.A. Chapter 29, any designated enforcement officer, as referenced in section 19.02 above, may commence prosecution for any zoning violation by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars (\$400.00), the waiver fee shall be two hundred dollars (\$200.00); a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars (\$800.00), the waiver fee shall be four hundred dollars (\$400.00). Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to the Environmental Court, or any other court of competent jurisdiction.
- (b) *Violations by Owners.* The owner or mortgagee of a building, structure or premises which is in violation of this Chapter and/or any other person who has assisted in the commission of such violation, shall each be subject to fine as herein ~~provided,~~provided.
- (c) *Appropriate Action.* The imposition of the penalties herein prescribed shall not preclude the Town from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to prevent the occupancy of a building, structure or

premises, or to prevent an illegal act, conduct, business or use in or about any premises.

## Article II. Permits and Fees

Sec. 4-~~820~~. Permits – Required; plans and estimates to be submitted.

No wall, building or other structure or part thereof shall be built, enlarged, moved, demolished, repaired or occupancy use changed until a plan of the proposed site and work, together with a statement of the materials to be used and an estimate of the total cost of the project, shall have been submitted to the BI; and who shall, if said plan and materials are in accordance with the provisions of this Chapter, the building code and the ~~zoning bylaws~~Development Regulations, issue a permit for the proposed construction.

Sec. 4-~~921~~. Permits - Sanitary facilities and potable water.

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

- (a) Each dwelling unit is connected to either a municipal sewer main or an approved and permitted private sewage disposal system and shall have at least one approved toilet, one bathroom sink, one tub or shower bath and one kitchen-type sink; and
- (b) Each dwelling unit is connected to an approved potable water supply that serves all plumbing fixtures in Section 4-~~921~~(a).

Sec. 4-~~1022~~. Permits – Conditions for issuance.

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

Sec. 4-~~1123~~. Permits – Duration.

No permit granted pursuant to this article shall be valid after one year, unless fifty (50) percent of the work to be done under it shall have been completed during such period. ~~In any case, all work must be completed within two (2) years from the date of issue of the permit unless an extension has been granted.~~–The BI may extend the permit for a specified period (not to exceed 6 months) upon finding of objective evidence of the intent and effort to pursue the project for which the permit was issued.

Sec. 4-~~1224~~. Fees.



- (a) Every person applying for a permit shall pay a fee for such permit in accordance with the schedule of fees listed in Colchester's Fee Ordinance Chapter 6 ½ and as amended by the Selectboard from time to time.
- (b) No significant change in the construction of a project, as authorized by a valid building permit, shall be made until there shall have been submitted to the BI a detailed plan of such proposed changes, an appropriate adjusted fee has been paid, and a supplemental permit or permit amendment has been issued.
- (c) If a building, alteration, extension or repair of a building is begun without the payment of such fee and without such permit, the builder and owner shall both be deemed to have violated the provisions of this article.

Sec. 4-~~1325~~. Exemptions.

(a) ~~No building permit or building permit fee will be required for minor renovations or repairs when the following conditions are met:~~

~~(1) The cost of the materials is less than two thousand five hundred dollars (\$2,500.00); and~~

~~(2) The work is to the interior or an exterior in-kind repair; and~~

~~(3) The work does not result in a change in the occupancy or use of the structure; and~~

~~(4) The work does not include the installation of a woodstove, pellet stove, or gas stove.~~

~~(b)~~ — No permit or fee shall be required for new roof covering, siding, ~~all replacement~~ windows and doors that do not change in dimension, carpeting, draperies, painting, installation of personal property, ~~and floor covering~~ and similar non-structural interior work not exceeding \$2500 in value.

Sec. 4-~~2146~~. Moving of buildings.

(a) Permit required.

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

(b) Conditions for permit.

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

Sec. 4-~~1527~~. Buildings not in conformity to be removed.

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

#### Article IV, Fire Protection Measures

~~Sec. 4-28. Fire Protection Measures.~~

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

~~(a) Exemptions.~~

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

~~(b) — New Structures.~~

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

~~(e) — Renovations to Existing Structures.~~

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

~~(d) — Existing Structures.~~

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

~~(e) — Access Box.~~

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

~~(1) — Perimeter gate access key (where applicable).~~

~~(2) — Fire alarm panel access key (where applicable).~~

~~(3) — Structure alarm key (where applicable).~~

~~(4) — One (1) master key for each floor of the structure.~~

~~(5) — Structure sprinkler shutoff key (where applicable).~~

~~(6) — Elevator key (where applicable).~~

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

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

~~(f) — Fire Alarms.~~

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

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

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

~~(g) — Elevators.~~

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

~~(h) — Evacuation Plans.~~

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

~~(i) — Fire Suppression Systems.~~

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

~~(1) — All fuel dispensing and refueling stations shall install and maintain fire suppression systems as specified in NFPA 1 "Fire Prevention Code," NFPA 101 "Life Safety Code," and NFPA 30 "Flammable and Combustible Liquids Code". Marine refueling facilities shall have at least two (2)~~

~~portable extinguishers located in two (2) separate places within the refueling area of sufficient size in accordance with NFPA regulations. Fuel dispensing and refueling stations exclusively for fleet vehicles shall be exempted from the installation and maintenance of fire suppression systems.~~

~~(2) Residential structures, except as herein exempted, containing four (4) or more units shall have a sprinkler system installed.~~

~~(3) Structures ten thousand (10,000) square feet or larger shall have a sprinkler system installed. The following structures are exempted from the above-stated requirement: salt sheds; green houses; plastic tent structures; barns; and plastic riding stables or similar structures as determined by the BI.~~

~~(4) Mechanical rooms shall have a sprinkler system installed.~~

~~(5) Stories fully below grade that are two thousand, five hundred (2,500) square feet or greater shall have a sprinkler system installed.~~

~~(j) Standpipes.~~

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

~~(k) Fire Department Connection.~~

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

~~(l) Locator Light.~~

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

~~(m) Roof Vents.~~

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

Article ~~III~~IV. Unsafe Buildings and Structures

Sec. 4-~~1640~~. Definition; application.

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

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

Sec. 4-~~1741~~. Removal or making safe upon order.

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

Sec. 4-~~1842~~. Restoration.

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

Sec. 4-~~1943~~. Notice.

Upon determining that a building or structure, or portion thereof, is unsafe, the BI shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees, mortgagees, or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or

structure or portion thereof deemed unsafe, a statement of the particulars in which the building or structure or portion thereof is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by the BI. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

Sec. 4-2044. Survey upon failure of owner to comply; report.

If the owner, agent or person interested in such unsafe structure refuses or neglects to comply with the requirements of an order within the time limit specified, a careful survey of the premises shall be made by a board consisting of a surveyor, the Cehief engineer of the Fire Department, and one disinterested person to be appointed by the BI. The BI shall fix the fee for services of such person so appointed. A report of such survey shall be made in writing and a copy thereof served on the owner, agent or other person interested.

Sec. 4-2145. Disregard of unsafe notice and survey report.

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

Sec. 4-2246. Vacating unsafe facilities.

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

Sec. 4-2347. Emergency work.



- (a) *Notice.* In case there shall be, in the opinion of the BI, actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger person or property, or if the structure would be especially unsafe in case of fire, the BI shall so notify the owner or interested party (ies) and fix in a conspicuous place upon exterior walls a notice of its dangerous condition.
- (b) *Action to be taken.* Any person notified as provided in subsection (a) shall, within twenty-four (24) hours of the day following the service of such notice, commence to secure or remove such structure, and shall employ sufficient workmen speedily to secure or remove it. However, if the public safety so requires, and if the Selectboard so orders, the BI shall immediately enter upon the premise with the necessary workmen and cause said structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for protection of the passers-by.
- (c) *Costs.* The costs and charges incurred by the Town with respect to this Section 4-44 shall constitute a lien upon the land upon which such building is situated, and said owner or person interested shall, for every day's continuance of such refusal or neglect, be subject to a fine as provided by subsection 4-7 of this Code.

Article IV. Swimming Pools

Sec. 4-~~2460~~. Definition.

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

Sec. 4-~~2561~~. Applicability of article.

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

Sec. 4-~~2662~~. Enclosure required.

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

measured on the outside surface shall not require additional enclosures except that all points of pool access which shall comply with section 4-~~2763~~.

Sec. 4-~~2763~~. Gates and doors.

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

Sec. 4-~~2864~~ Modification of requirements permitted.

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

Sec. 4-~~6295~~. Pool location.

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

Sec. 4-~~3066~~. Electrical installation.

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

Sec. 4-~~3167~~. Safety appliances required.

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

Dated this ~~14th day~~ 25<sup>th</sup> of ~~May 2021~~ April 2020. Effective ~~June 15th~~ May 5, 2020.

COLCHESTER SELECTBOARD

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CERTIFICATE OF AMENDMENT  
COLCHESTER CODE OF ORDINANCE  
CHAPTER 7 – Fire Prevention and Protection Ordinance.

We, the Colchester Selectboard, hereby certify that pursuant to Chapter 1, Section 104 through 109 of the Colchester Town Charter, we held a public hearing after public notice and adopted the following amendments to the Colchester Code of Ordinances, Chapter 7, Fire Prevention and Protection Ordinance.

\*\*\*\*\*

Chapter 7

Fire Prevention and Protection Ordinance

Art. I.	In General,	§§ 7-1	–	7-7
Art. II.	Technical Specifications,	§§ 7-8	–	7-10 <del>4</del>
Art. III.	Fire Alarms,	§§ 7-1 <del>2</del>		
Art. IV.	Municipal Open Burning Requirements,	§§ 7-1 <del>2</del> <del>3</del>	–	7-1 <del>3</del> <del>4</del>

Article I. In General.

Sec. 7-1. Purpose.

This Article is to promote the health, safety, and general welfare for all those who live, work, visit, or invest in our community for the protection of life, property and the environment.

Sec. 7-2. Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- (a) *Building Inspector (BI)* shall mean the person duly appointed under Colchester Code of Ordinances sections 7-4 and 4-4 or the assistant building inspector.
- (b) *Fire Chief (FC)* shall mean the Chief Engineer of the Colchester Fire Department.
- (c) *Fire Warden* shall mean the person duly appointed by the Selectboard.
- (d) *Authority Having Jurisdiction (AHJ)* shall be the BI and FCs with final sign-off by the BI and further subject to provisions of Section 7-5(d).
- (e) *ISO* shall mean the Insurance Services Organization.
- (f) *NFPA* shall mean the National Fire Protection Association.

- (g) *Private Driveway Type I* shall mean driveways serving one residential dwelling unit that are less than 50 feet in length.
- (h) *Private Driveway Type II* shall mean driveways, excluding Type I, serving four (4) or less residential dwelling units.
- (i) *Private Driveway Type III* shall mean driveways, excluding Type I and II, that are less than 300 feet long, are not public roads, and do not serve residential dwelling units.
- (j) *Private Roads* shall mean all driveways, excluding Private Driveways Type I, II, and III, that are not public roads.

Sec. 7-3. Adoption of Fire and Life Safety Codes.

- (a) Pursuant to Section 103 of the Town of Colchester Municipal Charter, and pursuant to Title 24, Chapter 83, Section 3101 and Title 24, Chapter 59, Section 1971 of the Vermont Statutes Annotated (V.S.A), the Town of Colchester, for the purpose of establishing rules and regulations for the prevention of fires, removal of fire hazards, prescribing standards necessary to protect the public, employees and property against harm arising out of or likely to arise out of fire, and to promote public safety hereby adopts the herein listed standards.
- (b) The ~~“Vermont Fire and Building Safety Code” and the~~ International Residential Code exempting Section P2904 as amended from time to time are herein adopted. Should any section, subsection, paragraph, sentence, clause, provision or phrase of the ~~Vermont Fire and Building Safety~~ Code be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these regulations, except those portions pertaining to the section in question.
- (c) Conflict with other Regulations or Private Restrictions. The provisions of these regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed upon property. Where these regulations impose a greater restriction upon land, buildings, or structures than is imposed by any such provision, the restrictions of these regulations shall control.

Sec. 7-4. Building Inspector Appointment.

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

Sec. 7-5 Building Inspector Duties and Powers.

The BI and the ABI are hereby authorized, empowered, and required to enforce all provisions of this Code. The BI shall administer the provisions of this Code relating to the issuance and

enforcement of permits as hereinafter provided and as provided in Title 24, Chapter 83 of the V.S.A.

- (a) The BI shall review applications as required by Chapter 4 of the Colchester Code of Ordinances, Building Code and Building Construction Ordinance for compliance with this Code herein.
- (b) The BI shall receive applications required by this Code, issue permits and furnish the prescribed certificates in accordance with this Code. The BI shall keep records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. All such records shall be open to public inspection.
- (c) The BI shall perform investigations in the enforcement and administration of this Code. The BI shall conduct inspections of premises to ensure that the rules set forth herein and in Title 24, Chapter 83 of the V.S.A. are being observed. The BI shall issue such written reports or orders as may be necessary to enforce compliance with this Code. The BI may establish priorities for enforcing the rules based on the relative risks to persons and property from fire. The BI may accept reports of inspectors or recognized inspection services, after investigation of their qualifications and reliability.
- (d) The Authority Having Jurisdiction (AHJ) shall be the BI and FC or their designees. The BI shall have final sign off power. If there is a disagreement, ~~the BI and FC shall consult with the Vermont Division of Fire Safety for the State's position. If there is still a disagreement,~~ it shall be decided by the Town Manager.
- (e) Open burning shall be prohibited within Colchester except as permitted in Section 7-134(e).
- (f) In the course of enforcement of this Code, if the BI finds that a structure, building, facility, or construction does not meet the standards found in this Code or in Title 24, Chapter 83 of the V.S.A., the BI may issue an order to cease and vacate a structure, building, facility, or construction, or the BI may issue an order to repair or rehabilitate a structure, building, facility, or construction. With the exception of unsafe facilities discussed in section 7-5(g) below, such order shall not be issued by the BI until the party in violation of this Code has been provided notification of said violation and granted a period of not less than seven (7) days to correct said violation.

Additionally, pursuant to Title 24, Chapter 59 of V.S.A., authority is granted to “municipal officials” for the Town of Colchester for the purpose of enforcing these fire prevention, fire protection, and life safety regulations. Said municipal officials or enforcement officers shall possess all the authority granted such official in the enforcement of said regulations. Town officers, upon being designated as deputy municipal officials by the Town Manager, and subject to the overall direction of the BI, shall serve as municipal officials and shall possess all the authority of a municipal official in the enforcement of said regulations.

- (g) Vacating unsafe facilities. When a building, structure, or facility, or portion thereof, is determined by the BI to constitute an unsafe facility, building, or structure, the BI in consultation with the Police Department, Fire Department and the Public Works Department may order the closure of such facility and order occupants to immediately vacate the premises, if by doing so the public safety will not be imperiled. If public safety would be imperiled, the BI shall order demolition and removal of the structure, or fencing of the premises. Facility closure shall prohibit or otherwise restrict access to or use of an unsafe facility. Facility closure may include, but shall not be limited to: closure of public rights-of-way; closure of private ways; closure of buildings, structures, and facilities; and closure of areas adjacent to unsafe facilities. Such facilities may be partially or completely opened again at such time as deemed safe by the BI. The BI shall use all available media and means of communication to inform occupant(s) and/or the public of facility closure in a timely manner.
- (h) The BI shall adhere to all legal requirements and shall have benefit of all legal means of inspection now or hereafter required or available under law.
- (i) The AHJ shall review requests for waivers of the requirements of this Ordinance. The AHJ shall grant such waivers if, in the opinion of the AHJ, strict compliance with the Ordinance would entail practical difficulty, unnecessary hardship, or is otherwise found unwarranted, and granting the waiver would adequately secure the public safety and health. In granting such waivers, the AHJ shall have the authority to impose conditions requiring methods, means or practices to be taken in lieu of compliance with the waived provision(s) to provide protection of the public safety and health equal to that provided by the waived provision(s) of the Ordinance. No waivers of this Ordinance shall be granted if such waiver would have the effect of waiving any requirement of the Vermont Fire and Building Safety Code.

Sec. 7-6. Appeals.

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

- (a) Any interested person aggrieved by an order of the BI as the AHJ or by the Town Manager made in accordance with the provisions of this Chapter may appeal. Interested persons are persons aggrieved by the order on appeal, and include but are not limited to the BI, the FC, the applicant, the person or entity owning title to property affected by the decision, and/or the aggrieved person's architect or builder.
- (b) At the discretion of the appellant, an appeal pursuant to this Section 7-6 may be taken to the board of arbitrators discussed in subsection (b) below or to the Criminal Division of the Vermont Superior Court. Such appeal shall be filed within five (5) business days after the receipt of the order being appealed. The taking of the appeal shall operate as a stay. The board of arbitrators or the court shall have the power to annul, amend, modify, or affirm the order of the building inspector.



- (c) Should the appellant choose to appeal to a board of arbitrators, the appellant shall file with the BI a notice of appeal setting forth the reasons for the appeal by personal delivery or by leaving said notice of appeal at the office of the BI. A copy of said notice of appeal shall also be provided to the Town Clerk. The board of arbitrators shall be assembled and composed as described in 24 V.S.A. § 3110. A decision of a majority of the board of arbitrators thus composed, when reduced to writing, sworn to and filed in the BI's office, shall be final and conclusive upon the parties. Upon the filing of such decision, work may be immediately resumed in accordance therewith. The expense of such arbitration shall be paid by the appellant.
- (d) Should the appellant choose to appeal to the Criminal Division of the Vermont Superior Court, the appellant shall file a Complaint with the court, and shall provide copies to the BI and the Town Clerk. Pursuant to 24 V.S.A. § 3111, the judge shall forthwith inquire into the facts or by a committee appointed by the Court, and make such order as it deems proper under the circumstances. In the Court's discretion, it may tax costs in favor of the prevailing party and issue execution therefore. Upon the entry of judgment, work may be immediately resumed in accordance therewith.

Sec. 7-7. Penalty for Violations.

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

- (a) *Municipal civil complaint ticket.* Pursuant to Title 24, Chapter 59 of V.S.A. and Title 4, Chapter 29 of V.S.A., any designated enforcement officer, may commence prosecution for any violation of this Chapter 7 of the Ordinance by serving two (2) copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars (\$400.00), the waiver fee shall be two hundred dollars (\$200.00); a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars (\$800.00), the waiver fee shall be four hundred dollars (\$400.00). Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to any court of competent jurisdiction.
- (c) *Violations by Owners and Others.* The owner, or mortgagee, of a structure or premises which is in violation of this Chapter, and/or any other person who has assisted in the commission of such violation, shall each be subject to fine as herein provided.
- (d) *Appropriate Action.* The imposition of the penalties herein prescribed shall not preclude the Town from instituting an appropriate action or proceeding to prevent an unlawful

erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to prevent the occupancy of a structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

Article II. Technical Specifications.

Sec. 7-8. Fire Department Access.

Means of access for fire department apparatus shall be provided to all structures and kept passable year round.

- (a) Fire access shall have minimum of (24) feet of width for all structures requiring tower truck access. The lane shall be constructed so as to support a 40,000 pound vehicle however may be surfaced with pavement, gravel, paving blocks, and grass over a load bearing gravel layer.
- (b) The fire access shall be no closer than 20ft. from the subject structure and no further than 150 feet from the structure.
- (c) Turns in fire access shall be constructed with a minimum radius of 25ft. at the inside curb/shoulder line and a minimum radius of 50ft. at the outside curb/shoulder line.
- (d) At least 13ft. 6in. in overhead clearance shall be provided and maintained over full width of the fire lane.
- ~~(e) Commercial structures, residential structures over three units, and residential structures where the occupants generally can not self-evacuate shall require that the 95 foot tower truck be able to adequately access the structure. Table 1 below shows the minimum requirements for tower truck accessibility based upon the use and structure height. In measuring accessibility, the tower truck shall be able to park within an approved fire access as specified herein and reach the top of its bucket/ladder level with the highest window, balcony, and floor. Percentages provided in Table 1 below are the percent of the total exterior façade that shall be accessible to the tower truck/~~

Table 1: Structure Exterior Façade Accessibility

Stories <sup>*</sup>	Non-Residential Class A	Residential Class B	Residential Class C
1	50 %	50 %	50 %
2	50 %	50 %	100 %
3	75 %	100 %	100 %
4 or more	100 %	100 %	100 %

<sup>\*</sup>Where 1 story is considered to equal (10) vertical feet.

~~Class A: Commercial structures with no residential units.~~

~~Class B: Three (3) or more residential units where the occupants are generally able to self-evacuate the building.~~

~~Class C: Facilities with (3) or more residential units where the occupants are generally not able to self-evacuate the structure including but not limited to nursing homes.~~

Sec. 7-9. Fire Hydrants.

Hydrants shall be installed in accordance with the Colchester Department of Public Works Specifications and Standards. ~~Hydrants for commercial structures shall not exceed a distance of three hundred (300) feet of distance over the roadway from a hydrant to the structure unless a sprinkler system is installed. The minimum flow requirements for each commercial hydrant shall be 1000 gallons per minute with a minimum residual pressure of 20 pounds per square inch.~~

All hydrants shall be equipped with a four-inch (4") STORZ fire department connection (FDC). Where a fire department connection (FDC) is present, an additional hydrant shall be installed by the property owner within 75 feet of the FDC.

Sec. 7-10. Private Driveways and Roads Requirements.

This Section pertains to parcels that use or intend to use a private driveway or road to provide access. Each of the following conditions must be met prior to occupancy.

- (a) The length of a private driveway, for the purpose of this Code shall be the distance measured along the centerline of the driveway from the curb cut in the public road to the subject structure. If the private driveway does not extend to the structure, the length of a private driveway is measured along the centerline of the driveway from the curb cut in the public road to 50 feet from the subject structure.
- (b) A private driveway shall be extended to, at minimum, within 50 feet of the structure served.
- (c) All private driveways, excepting Private Driveways Type I, shall have at least six foot wide zone on each side of the driveway clear of encumbrances such as trees, structure, and rocks for plowed snow storage area on each side. In driveways under 50 feet and driveways serving commercial structures, designated snow storage areas shall be permissible in lieu of the six foot wide zone.
- (d) Every private driveway in excess of 150 feet in length shall be provided with approved provisions for the turning around (see Figure 3.5 & 3.6 of the Colchester Public Works Specifications and Standards for dimensional requirements for a turn around).
- (e) A private driveway shall have a minimum of thirteen and one half foot height clearance.

- (f) All private driveways, excepting Private Driveways Type I, shall be constructed so as to support a 40,000 pound vehicle.
- (g) All private driveways shall meet the following dimensional requirements unless waived by the AHJ:

Type	Minimum Width
Private Driveway Type I	10 feet
Private Driveway Type II >50 feet but <300 feet in length	15 feet
Private Roads Type II > 300 feet in length	20 feet
Private Driveway Type III	20 feet
Private Road	Per the requirement of Colchester Code of Ordinance Chapter 14, Public Works Specifications and Standards for roadway design standards as amended from time to time

~~Sec. 7-11. Areas Not Served by the Public Water Main Distribution Systems.~~

~~For areas of the Town not served by municipal water mains and their attendant hydrants residential units, excluding developments of up to four single family or duplex structures within a ten year period, will be required to construct and maintain an alternative water source in compliance with NFPA 1142 or an approved NFPA 13D sprinkler system for each unit. Once a development exceeds four units within ten years, each unit thereafter shall be required to construct and maintain an approved NFPA 13D sprinkler system with the original four units exempted from sprinklers. The presence of a nearby private hydrant and water reservoir serving a separate private facility will not constitute fire protection for a nearby proposed development.~~

Article III. Fire Alarms.

Sec. 7-1~~1~~2. Fire Alarms.

Deliberate damage to, or disabling a fire alarm system or any components thereof is prohibited and fines may be levied by the ~~FC BI~~ in accordance with Section 7-7 of the Colchester Code of Ordinances, "Penalty for Violations". The fine amounts shall be as defined in the Code of Ordinances unless a specific fine amount is included in the text of a specific section.

- (a) The building owner is at all times responsible for having the fire alarm system and all components operating correctly in accordance with the manufacturer's requirements and all applicable regulatory codes and standards.

- (b) Notification shall be transmitted to the fire/police dispatch center prior to any testing or maintenance that would result in the fire alarm system being disabled for any length of time. The ~~FC BI~~ may fine a building owner for a failure to make the necessary notification.
- (c) The fire alarm system and all its equipment shall be under full control of the fire department during a fire or a false alarm investigation. A person or employer who willingly resets or tampers with the fire alarm system at any time after activation of the alarm, without permission from the ~~fire chief~~ FC may be referred to the ~~FC BI~~ for enforcement action.
- (d) Noncompliance may result in fines and, the immediate shut down of the facility, ~~and the termination of the Certificate of Occupancy~~ by the ~~FCBI~~. Failure to remedy the violation in the time frame allotted by the ~~FC BI~~ may result in fines and shut down of the facility until a new Certificate of Occupancy can be obtained.
- (e) No person shall knowingly give or cause to be given a false alarm of fire, or cause a fire alarm to activate when no fire or smoke is present, or, after an alarm has been given, maliciously and/or falsely proclaim the fire to be extinguished.
- (f) Every person calling in an alarm of the fire shall forthwith give their name and address and a call back telephone number.
- (g) Buildings that are equipped with fire alarms systems shall be permitted two (2) false alarm calls within one calendar month. The ~~FC BI~~ may fine the building owner the amount of five hundred dollars (\$500.00) for each instance of a false alarm following the first two (2) false alarms within a calendar month. The owner may contest the fine and request a court hearing. The owner may elect to waive the court hearing and accept a waiver penalty of two hundred fifty dollar (\$250.00) fine.

#### Article IV. Municipal Open Burning Requirements.

##### Sec. 7-1~~23~~. Definitions.

For the purposes of this Section on “open burning”, the following definitions shall apply:

- (a) *Air contaminants* shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof.
- (b) *Emission* shall mean a release of air contaminants.
- (c) *Fuel* shall mean any form of combustible matter, solid, liquid or gas used to produce heat, light, or power by burning, but excluding refuse. Fuel includes, but is not limited to, coal, coke, charcoal, natural gas, propane, gas, fuel oil and wood.

- (d) *Open burning* shall mean any burning that takes place other than in heating systems, cooking systems, candles or lamps, welding equipment, or burning authorized by specific permit.
- (e) *Refuse* shall mean all solid or liquid wastes, including but not limited to animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; street cleanings; dead animals; abandoned automobiles; solid market and industrial wastes; paper; cardboard; tin cans; glass; bedding; crockery; plywood composite materials; dimensional lumber; pressure-treated materials; and other building materials.
- ~~(f) *Unsafe facilities* shall mean buildings, structures, facilities or portions thereof, or areas of the Town deemed by Building Inspector or the Fire Chief to constitute a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constituting a hazard of health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; presence of an imminent hazard or an ongoing event associated with features such as damaged or leaking underground gas mains, railroad cars, aircraft, automotive vehicles, and water craft; or other imminent danger to life or property.~~

Sec. 7-134. Open Burning.

- (a) No refuse, grass, leaves, or downed trees shall be burned.
- (b) All open burning shall be extinguished when not attended to.
- (c) No open burning shall occur within a fully enclosed structure.
- (d) The ~~Authority Having Jurisdiction (AHJ), fire warden,~~Fire Chief or their designee may order any open burn to be extinguished if the AHJ-FC judges the fire or the conditions under which the burning occurs is a threat to public safety or property.
- (e) All open burning shall require a permit obtainable at ~~police dispatch~~the fire department except as herein specifically excluded:
  - (1) The burning of fuels for cooking purposes;
  - (2) Barbecue pits less than 30 inches in diameter; or
  - (3) Campfires and bonfires less than thirty (30) inches in diameter.
- (f) At the discretion of the ~~fire warden~~FC, a permit may be issued for special occasions allowing bonfires greater than thirty (30) inches in diameter.
- (g) *Open burning permits and fees.* A specific permit may be granted by the ~~fire warden~~FC or duly appointed designee to engage in open burning in accordance with the following:

- (1) No hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to public safety and health. Permits shall be for specified days, specified location, and for a specified material. The hours within which said burning may take place may be specified on the permit.
- (2) Open burning of leafless brush 4” or less in diameter shall be permitted if the outermost edge of the burning site is:
  - a. At least one hundred fifty (150) feet or more from the closest dwelling located in the vicinity of, but not including, the permit holder’s dwelling during the months of January and February.
  - b. At least (300) feet or more from the nearest dwelling located in the vicinity of, but not including the permit holder’s dwelling during the remainder of the year.

All distances shall be measured from the outermost edge of the burning site in a straight line to the nearest point on the closest dwelling. The minimum distances imposed in subsections (g)(2)a. and (g)(2)b. shall not limit the ~~fire warden~~FC from imposing greater distances between the site and any structure as a permit condition under subsection (g)(1).

- (h) A violation of this Section shall constitute a civil ordinance violation as described in section 7-6 (Appeals) and 7-7 (Penalty for Violations) of this Chapter. In addition to the procedures contained in Sections 7-6 and 7-7, the following shall apply to any civil violation under this Section:

- (1) Any person who violates a provision of this Section 7-1~~3~~4 shall be subject to fees as described in subsection (h)(2). The ~~FC BI, the ABI,~~ or law enforcement officers shall be authorized to act as issuing municipal officials to issue a municipal complaint under this Section 7-14.

(2) Fee schedule:

- a. First offense: \$200; plus fire department expense up to \$500.00. The waiver fee shall be \$100 for the first offense.
- b. Second offense: \$400; plus fire department expense up to \$500.00. The waiver fee shall be \$200 for the second offense.
- c. Third offense: \$800; plus fire department expense up to \$500.00. The waiver fee shall be \$400 for the third offense.
- d. Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to any court of competent jurisdiction.

- (3) Offenses shall be counted on a calendar year basis.

(5) In addition to the enforcement procedures available before the Judicial Bureau as described in subsection 7-7(a), the Town Manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(i) The Town will, directly or through a regional group of which the town is a member, establish drop-off areas for residents of Colchester to bring leaves for disposal in the Autumn and Spring seasons.



Dated this ~~25~~<sup>14</sup>th day of May ~~2021-2013~~. Effective ~~June 15, 2021~~ July 13, 2013.

COLCHESTER SELECTBOARD

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