

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

Adopted _____

Civil Ordinance

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Section 1 - Authority

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

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

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

Section 2 - Purpose

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

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Section 3 – Definitions

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

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

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

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

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

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

Fire Department – Fairfax Fire Department.

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

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

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

Selectboard – the legislative body of the Town of Fairfax

Town – The Town of Fairfax

Section 4 – Fire Code Adoption by Reference

(1) The Town of Fairfax henceforward adopts the most current Codes and Standards as amended and adopted by the State of Vermont, Division of Fire Safety.

(a) Including, but not limited to;

1. Vermont Fire & Building Safety Code
2. NFPA 1
3. NFPA 101
4. NFPA Codes referenced by NFPA 1 & 101
5. The International Building Code, IBC

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Section 5 – Fire Safety Inspector

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

Section 6 – Powers & Duties of Inspector

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

Section 7 – Inspection of Public Buildings

- (1) The Inspector shall be authorized to investigate complaints, and perform Fire Safety Inspections in all “Public Buildings” as outlined in the Municipal Inspection Agreement
- (2) Upon request for a “Change of Ownership” Inspection of a Dwelling Unit within a “Public Building”, the Inspector shall perform an inspection to check for Code Compliance of said Dwelling Unit and premises.
- (3) The Inspector shall investigate complaints regarding a “Public Building” reported as being;
 - (a) unsafe and/or hazardous
 - (b) having code violations
 - (c) containing unsafe and/or combustible materials
- (4) Complaints shall be received by, but not limited to, one of the following methods;
 - (a) Request from a State or Town Official, or other AHJ.
 - (b) Request from Fire Department member, having identified possible violations
 - (c) Submission of a completed Complaint Form.
- (5) The Inspector shall attempt to make contact with the property owner prior to investigating any complaint.
- (6) Any violations observed in a public building not covered in the Cooperative Inspection Agreement shall be reported to the Vermont Division of Fire Safety.

Section 8 – Access to Public Buildings

The Inspector shall be permitted access to “Public Buildings” to carry out Inspections and Investigations described in Section 7 of this ordinance in accordance to the following State Statutes:

- (1) VSA Title 09, Chapter 137
- (2) VSA Title 20, Chapter 171
- (3) VSA Title 20, Chapter 173

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Section 9 – Inspections

- (1) Change of Ownership Inspection
 - (a) Upon request by an owner, agent, attorney, or lender, prior to the transfer of a multi-family residence, or single dwelling unit within a public building, such as a duplex, town house, or condominium, the Building Inspector will conduct a “Change of Ownership” Inspection.
 - (b) A request for a Change of Ownership Inspection shall be submitted utilizing the “Fairfax Change of Ownership Inspection Request” form, which shall include;
 1. Property and current owners’ information, along with the proposed closing date
 2. Payment of the fee associated with this inspection, as set forth on the “Fairfax Fire Department Fee Schedule”
 - (c) A request for a “Change of Ownership Inspection Request” should be submitted ten (10) days in advance of the proposed closing date, to ensure that the inspection can be performed, and any violations found to be corrected, prior to the closing date.
 - (d) The party requesting the Change of Ownership Inspection shall be responsible for ensuring payment of associated fees.
 - (e) The Change of Ownership Inspection shall utilize the Codes and Standards referenced in Section 4 of this ordinance.
 - (f) The key areas that this inspection shall include;
 1. Primary and secondary means of egress
 2. Smoke and Carbon Monoxide Detection devices
 3. Code compliant handrails, and guards
 4. Verification of heating system inspection by qualified technician
 5. Verification of presence of, and inspection of required fire extinguishers/fire suppression systems
 6. Required GFCI protection, and observable electrical hazards
 7. Any other Code violation or deficiencies that are observed
 - (g) Violations and/or deficiencies identified during the inspection shall be corrected prior to the occupancy of the property, following its sale.
 - (h) One Follow-up Inspection shall be included with the fee for the Change of Ownership Inspection.
 - (i) Additional Follow-up Inspections shall be subject to a fee, as outline on the “Fairfax Fire Department Fee Schedule”. This fee shall be due prior to the Follow-up inspection.
 - (j) A Change of Ownership Inspection shall be valid for the period of one year from the date of inspection, or for one transfer of ownership, provided no construction or renovation has taken place following last inspection.
- (2) General Fire Safety Inspection
 - (a) General Fire Safety Inspections of existing public buildings, shall be performed utilizing the Codes and Standards referenced in Section 4 of this ordinance.
 - (b) A General Fire Safety Inspection shall be performed in response to a complaint in regards to a possible code violation, fire hazard, or other unsafe condition.
 - (c) No fee shall be charged for a General Safety Inspection
 - (d) Any Violations of the VT Rental Housing Health Code, that are observed, shall be shared with the Fairfax Town Health Officer.
- (3) Follow-up Inspections
 - (a) There is no fee for the first follow-up inspection, resulting from a complaint in regards to a possible code violation, fire hazard, or other unsafe condition.
 - (b) If violations or deficiencies identified during the initial inspection have not been corrected prior to the first re-inspection, an additional follow-up inspection will be required to verify that the violations or deficiencies have been properly resolved. There shall be a “re-inspection fee” as outlined on the “Fairfax Fire Department Fee Schedule” for all additional re-inspections.
 - (c) Re-Inspection fees will be the responsibility of the property owner, and will be due prior to the follow-up inspection.
- (4) Inspection Reports

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

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Section 10 – Removal of Fire Hazards

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

Section 11 – Order to Evacuate

A Chief Officer of the Fire Department, or their designee may direct any occupant or owner of any land, premises, or building to move to a place of safety in the event of a fire, or any other emergency situation.

Section 12 – Suspension of Permit & Stop Work Notice

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

Section 13 – Elevators

All new elevators installed in a “Public Building” shall be required to accommodate the loading of an Ambulance Stretcher, and be compliant with the requirements of the International Building Code. The entry of the elevator shall permit the stretcher to be loaded into the elevator without the need to adjust the position of the patient platform. If multiple elevators installed as a bank (common lobby area) only one elevator shall be required to meet this requirement. If part of a bank of elevators, the Ambulance Stretcher compliant elevator shall have AHJ approved signage to indicate it as such.

Section 14 – Fire Alarm Panel & Pull Station Key

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

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Section 15 – Fire Department Key Box

- (1) Public Buildings meeting any of the following criteria shall be required to install a Fire Department Key Vault;
 - (a) Building is equipped with a commercial fire alarm system, (monitored local or remotely)
 - (b) Building is equipped with an automatic fire suppression system, (water, dry chemical, or clean agent)
 - (c) Fire Department responds to building on a regular basis, and a lack of access is an issue
- (2) The make and model of the required key vault shall be at the discretion of the Fire Department (the size of the vault will be determined by the number of keys that will be required to be located within it).
- (3) The location of the key vault shall be at the discretion of the Fire Department
- (4) At the request of the Fire Department, additional key vaults shall be required for larger facilities, where multiple points of access will be utilized.
- (5) The Fire Department shall determine what keys, and how many sets are required, based on pre-incident planning.
- (6) The property owner shall be responsible for notifying, and providing replacement keys to the Fire Department, when locks are changed.
- (7) The use of a Master Key system shall be required if any of the following conditions exist;
 - (a) More than two keys are required to navigate to the rooms that contain the fire alarm, fire suppression, and/or mechanical rooms.
 - (b) More than three (3) individual keys would be required to open all door locks within any occupancy in the building.
 - (c) The building contains in excess of four (4) residential units, and is required to have a key vault
 - (d) A master key system that utilizes a separate master keys, one for occupant areas, and one for building maintenance areas is permitted.

Section 16 - Building Mounted Solar Photovoltaic Systems

- (1) All building-Mounted Solar Voltaic Installations, installed after this ordinance becomes effective, shall be installed in accordance with the most current edition of NFPA 1, that has been adopted by the State of Vermont. No residential buildings shall be exempt.
- (2) A “Fairfax PV Solar System Installation Checklist” and detailed plans for the layout of the planned PV array, shall be submitted prior to the installation of any Building Mounted Solar Voltaic System.
- (3) The Checklist and plans shall be approved by the Fire Department prior to installation.
- (4) Building mounted arrays that do not have the specified “eve to ridge” pathways and “ridge setbacks” as outlined in NFPA 1, shall not be approved.
- (5) Conduit runs shall not restrict access to “pathways” and/or “ridge setbacks”.
- (6) After the panels and conduit are installed, and prior to placing the array into service, the installation shall be inspected by the FD, to verify compliance with NFPA 1 labeling, setbacks, and pathway requirements.
- (7) A certificate of compliance shall be issued by the Fire Department prior to the array being placed in service.
- (8) The installer shall be subject to a civil penalty if the array is placed into service prior to receiving a certificate of compliance.

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

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Section 17 – Rental Registry

In order to provide Town Officials with up-to-date emergency contact information and pre-incident planning information for “Public Buildings” in the Town of Fairfax, the Town of Fairfax will utilize a “Rental Registry Program”.

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

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

Section 18 – Enforcement & Penalties

- (1) In accordance with 20 V.S.A. § 2736 the Town of Fairfax may collect fees for services provided.
- (2) In accordance with 24 V.S.A. § 1974a the Town of Fairfax may impose civil penalties for violations of this ordinance.
- (3) The Chief Officers of the Fire Department and the Town Constable shall be authorized to act as issuing Municipal Officials to issue, and pursue before the Judicial Bureau or other appropriate judicial body a municipal complaint.

Section 19 – Fee Schedule

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

Section 20 – Variances, Exemption & Appeals

- (1) Fees and Civil Penalties levied by the Town of Fairfax may be appealed to the Fairfax Selectboard
- (2) Initial request for Variances, Exemptions & Appeals related to Code Violations shall be submitted to the Fire Department.
- (3) If no resolution is achieved regarding Variances, Exemptions & Appeals related to the Vermont Fire & Building Safety Code, filed with the Fire Department, an Appeal shall be filed with the VT Division of Fire Safety.

Section 21 – Severability

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

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Section 22 – Publication / Posting / Implementation

This document is an Amendment to the Town of Fairfax Building Inspection, Code Enforcement, and Fire Safety Ordinance approved by the Fairfax Selectboard on December 05, 2016.

A public hearing shall be held _____

The Ordinance shall be published in the Saint Albans Messenger on _____

This Ordinance shall become effective on _____

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

This Ordinance is adopted by the Selectboard of the Town of Fairfax, in the Town of Fairfax, Vermont this ____ day of _____, 2017, and shall be effective upon adoption.

Tom Fontaine, Chair

Lauri Fisher, Vice-Chair

Lee Beth Lemieux, Member

Randy Devine, Member

Duane Leach, Member

Received, Adopted and Filed on _____ 2017 at _____ AM / PM

A true record

Attest: _____

Deborah Woodward, Town Clerk