

TOWN OF LYNDON

RENTAL HOUSING HEALTH AND SAFETY ORDINANCE

1. The Town Health Officer shall have and exercise all of the powers and duties set forth in 18 V.S.A., Section 602a. The Town Health Officer shall enforce the provisions of Subchapter 16 of Chapter 5, Environmental Health, of the Vermont Health Regulations, also known as the Rental Housing Health Code (the "Code").
2. Whenever the Town Health Officer discovers that the condition of a rental dwelling unit or units does not comply with the requirements of the Code, the Town Health Officer shall issue an Order to the owner of the property in which the dwelling unit(s) is located. The Order shall specify (1) the violations, (2) the corrections required to make the property comply with the Code, (3) the date within which the corrections must be completed, and (4) shall provide notice of the Town Health Officer's intention to take one or more of the actions set forth in Section 3 hereof if the corrections are not made within the time specified in the Order. The Town Health Officer shall serve a copy of the Health Code Order on the owner of the affected property and to all tenants affected by the Order, by hand or by first class mail (postage prepaid, return receipt requested) sent to the addressees' last known addresses.
3. Whenever an Order that has been issued by the Town Health Officer, Town Fire Chief, or any other person authorized to conduct health or safety inspections, and such Order is neither complied with nor appealed within the time prescribed by the Order or any amendment thereto, the Town Health Officer or Fire Chief shall post a Notice of Health and Safety Code Violations in a public place located on the premises where the violation has occurred and at the Town Offices, and may record the Notice of Health and Safety Code Violations in the Town land records.
4. The Notice of Health and Safety Code Violations shall identify the location of the property including street name and number if applicable, the owner of the property, the name, address and telephone number of a person that can provide additional information about the violations, and a statement that any person not excepted from the application of Section 7 who removes the notice is liable to pay a fine of one hundred dollars (\$100).
5. Prior to concluding an agreement to rent a dwelling unit that is subject to any Health or Safety Order or located on property that is subject to an Order, the owner of the premises must first obtain from the Town Health Officer or Fire Chief a Certificate of Compliance with the Order. The Certificate will be issued after an inspection, or some other means of determining compliance, is performed by the Town Health Officer or Fire Chief, or by the officer who issued the Order if it was not issued by a Town Officer. If the property is in compliance with the Order, and if a Notice of Health and Safety Code Violations has been recorded in the Town land records, the Town Officer shall record in the Town land records a Certificate of Compliance with Health and Safety Code Order, identifying the location of the property including the street name and number if applicable, the owner of the property, the person who verified compliance, and the date of such verification.

6. Any person who fails to comply with the provisions of the preceding Section or with a Notice of Health and Safety Code Violations shall pay a fine, plus the costs of prosecution, including service fees, court costs and attorney's fees, as follows:

A. For a first offense, or any other offense not identified in Subsections B and C below, three hundred dollars (\$300) (Waiver Fine: \$250),

B. For a second offense within a two year period, four hundred dollars (\$400) (Waiver Fine: \$350), and

C. For a third offense within a three year period, five hundred dollars (\$500) (Waiver Fine: \$450).

7. Any person who removes a Notice of Health and Safety Code Violations shall pay a fine of one hundred dollars (\$100) (Waiver Fine: \$90). This Section 7 shall not apply to the Town Health Officer, Fire Chief, the Town Clerk, the Municipal Assistant, or a person designated by any of these four municipal officials.

8. The provisions of this ordinance are in addition to, and not in substitution of, any other rights and remedies, criminal or civil, which the Board of Selectmen may have according to the law of the State of Vermont.