

Town of Woodstock

Building Inspection, Code Enforcement, and Fire Ordinance

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 the Commissioner of the Department of Public Safety has entered into a Cooperative Inspection Agreement with the Town of Woodstock _____, dated authorizing the Woodstock Fire Department to conduct building inspections and enforce the Vermont Fire & Building Safety Code,

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

Section 2-Purpose

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

Section 3-Definitions

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

For the purpose of this ordinance, the definitions contained in 20 V.S.A 2736, 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 Woodstock.

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

Short Term Rental or STR - shall mean any rental of residential property, including single-family, two-family, multi-family dwellings, attached and detached apartments, whether accessory or not, and/or any dwelling unit or room located therein containing living quarters, but specifically excluding motels, hotels/inns, bed and breakfast, tourist homes, clubs, group homes, sober-living houses, schools, hospitals or similar facilities, for a term or period of time that is less than thirty (30) days.

Owner Occupied - shall mean that the owner of the Short Term Rental, or another person authorized by the owner to act on his, her or its behalf, will be present at and residing on the property where the Short Term Rental is located during the rental period.

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- Woodstock 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. 2736.

Selectboard -the legislative body of the Town of Woodstock

Town- The Town/Village of Woodstock.

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

Section 4 – Fire Code Adoption by Reference

The Town of Woodstock 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 I & 101
- 5.The International Building code, IBC

Section 5 - Solar Photovoltaic Systems - Private Buildings/Owner Occupied

All building-mounted photovoltaic 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.

A permit from the Fire department shall be required and approved prior to any installation on any private building. See fee schedule for permit fees. Failure to receive a permit prior to construction may result in fines.

Drawing and layouts shall be included with permit. Plans that do not meet NFPA 1 will not be approved. A Waiver for install modifications may be obtained from the Fire department when situations justify such.

An inspection and testing of install shall be required to ensure compliance with NFPA 1. Failure to receive an installation inspection may result in fines.

A Public building Solar photovoltaic install requires a permit from the State of Vermont Fire Marshall.

Section 6- Fire safety inspector

The Fire Safety Inspector shall be an employee of the Woodstock Fire department, that has been approved by the Commissioner of the Vermont Department of Public Safety. The Inspector shall have a minimum of NFPA certification of Certified Fire Inspector I.

Section 7 Powers & duties Inspector

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

Section 8 - Inspection of Buildings

- (1) The Inspector shall be authorized to make a careful inspection of any public buildings and premises within the Town of Woodstock.
- (2) Upon receiving a complaint from a citizen, or request of an AHJ, the Inspector shall investigate any report involving a public building or premises reported as being unsafe or hazardous, having code violations, or containing unsafe of combustible materials.

Section 9- Inspector to be Permitted Entry into Premises

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

Section 10 - Refusal to Permit Entry

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

Section 11- Inspections

(1) General Fire Safety Inspection

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

(2) Inspection Reports

Following a General Fire Safety inspection, the Building Inspector shall generate a report of any violation's deficiencies found during said inspection. A copy of the report shall be forwarded to the property owner, or their designee, including time line in which the violations and/or deficiencies need to be addressed/repared. 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.

(4) Follow up Inspections

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

- (e) (e) A failure to pay the reinspection fees within the time frame above is a violation of this ordinance.

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.

Section 13- Removal of a Fire Hazard

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

Section 14 - Liquor license inspections

An operator/business holding a liquor license in Woodstock shall have a building safety inspection prior to renewal of the yearly liquor license. Any violation of the inspection shall be repaired prior to issuance of the liquor license.

Section 15 - Short Term Rentals

A. Compliance with Law.

The owner of any Short Term Rental property shall comply with all other requirements of federal, State and local law pertaining to rental housing, including, without limitation, relevant provisions of the Vermont Rental Housing Health Code and the Woodstock Zoning Regulations, as amended from time to time. A building in which people rent accommodations, whether as a Short Term Rental or for a term of 30 days or more, constitutes a “public building” under 30 V.S.A. §2730(a)(1)(D) and is subject to the authority of the State of Vermont Division of Fire Safety or its designee.

B. Short Term Rental Registry & Annual Report.

To provide Woodstock officials, including designated Compliance Officers, with up to-date emergency contact, identification, occupancy, and pre- and post-incident planning and compliance information for Short Term Rental properties in the Town of Woodstock, the Town of Woodstock

will utilize a Short Term Rental Registry and Annual Reporting Program. The Short Term Rental Registry and Annual Reporting Program shall include all Short Term Rental properties, whether or not Owner Occupied.

C. Short Term Rental Registry

On or before April 30 of each year:

(1) The owner of property proposed for use as a Short Term Rental shall complete and submit a Short Term Rental Registry form to the Fire department on an annual basis.

(2) The following information shall be provided by owner(s) of Short Term Rental property on or in conjunction with the Short Term Rental Registry form (note: proof of ownership may be required if the person submitting the Short Term Rental Registry form is not the record title holder, as indicated by documentation maintained in the Woodstock Land Records):

(a) physical address(es) of all property advertised, offered for use, or used as a Short Term Rental.

(b) contact information for property owner, including: name, mailing and/or physical address, telephone number, email address.

(c) contact information for any person present at and residing on the property and authorized to act on the owner's behalf, including: name, mailing and/or physical address, telephone number, email address.

(d) contact information for any property manager, including: name mailing address, telephone number, email address.

(e) a copy of the written property management agreement or contract, if applicable, stating the duration/term of any contract.

(f) if not a whole building rental, the number of Short Term Rental dwelling units located within the building and the 911 addresses assigned to the units (if separate from the building).

(g) a sketch plan depicting the Short Term Rental property and all proposed onsite parking spaces, including guest parking.

(h) a floor plan of the Short Term Rental depicting the location of all proposed sleeping areas and fire exits, including egress windows.

(i) valid proof of home owners insurance with a short term rental endorsement;

(j) proof of Vermont tax account for room & meals and/or sale tax purposes.

(k) proof of positive inspection, for both new and existing buildings, by Division of Fire Safety or its designee.

(l) copy of any Short Term Rental rules applicable to the rental property.

(3) The Short Term Rental Registry form may also require such additional information as the Woodstock Selectboard, in their discretion, deem reasonable, necessary and appropriate.

(4) Upon transfer of ownership of any property on the Short Term Rental Registry, the new owner shall complete a new Short Term Rental registry form with updated information and any prior Short Term Rental authorization shall be null and void.

(5) Any owner of a Short Term Rental property who fails or refuses to complete a Short Term Rental Registry form as provided herein shall be subject to civil penalties under this Ordinance.

(6) Upon complete and proper submission of all required information, as determined by the Short Term Rental Compliance Officer, the Compliance Officer shall issue a Short Term Rental Authorization and Registration Number authorizing lawful rental of the Short Term Rental property.

(7) All Short Term Rental Authorization and Registration Numbers shall expire on May 31 of each year, with registration renewal forms submitted no later than April 30 of each year (even if actual rentals will occur later in the year).

D. Annual Report

The owner of Short Term Rental property shall annually complete and submit a report form to the Fire Dept. The following information shall be provided by owner(s) of Short Term Rental property on the annual report form:

- (a) Updated owner/on-site manager contact information, if applicable.
- (b) Updated property manager contact information, if applicable.
- (c) Date, duration and number of guests for each Short Term Rental period/stay;
- (d) photographic proof that the telephone number of the person(s) responsible for the Short Term Rental and contact information for the Vermont Department of Health and the Vermont Division of Fire Safety is conspicuously posted in each dwelling unit of the Short Term Rental.
- (e) photographic proof that the Vermont Meals and Rooms tax license is conspicuously posted in each dwelling unit of the Short Term Rental.
- (f) date of last inspection by the Vermont Division of Fire Safety or its designee.
- (g) identification of any municipal complaint tickets issued and/or fines paid in the preceding 12 months in connection with any Short Term Rental property.

E. Regulatory Requirements and Prohibited Activities.

- A. The Short Term Rental of property that is not in compliance with this Ordinance is prohibited.
- B. Providing false or materially misleading information on any Short Term Rental Registry or Annual Report form shall be a violation of this Ordinance.
- C. All Short Term Rental property in the Town shall be Owner Occupied or, if not Owner Occupied, under the active management and control of a property manager, who shall: (i) be located within a 30 minute drive of the Short Term Rental property being managed, (ii) available and authorized to respond promptly to incidents involving the Short Term Rental, and (iii) capable of providing timely interior and exterior access to the Short Term Rental, on a 24/7 basis. .
- D. All Short Term Rental property shall conspicuously display within each dwelling unit the current and valid name, address and phone number of the Short Term Rental operator (whether the owner, on-site manager, or property manager), the Vermont Department of Health, and the Vermont Division of Fire Safety or its designee . In addition, the contact information of the Village's Short Term Rental Compliance Officer shall be similarly displayed.
- E. Advertising any Short Term Rental without first obtaining a Woodstock-issued Registration Number or not including the Registration Number in the advertisement to demonstrate that the STR is lawful shall be a violation of this Ordinance.
- F. Renting, using or occupying a Short Term Rental without first obtaining a Short Term Rental Authorization and Registration Number shall be a violation of this Ordinance.
- G. Short Term Rental guests shall not sublease, sublicense or assign all or any portion of the Short Term Rental to another person during the rental period.
- H. Short Term Rental properties shall be limited in occupancy to two guests per bedroom or sleeping area and a maximum of six guests total per occupancy, unless a waiver is granted by the Fire Dept.

- I. The following are expressly prohibited in connection with Short Term Rental properties:
- a. Gatherings of more than 16 persons on the STR premises during the period of occupancy, absent a waiver or variance by the Fire Dept.
 - b. Signs and other outside indications, other than on-site parking, that a property is used or occupied as a Short Term Rental.
 - c. Noise or unreasonably loud activities, whether inside or out, that violate the Noise Control law.
- J. Except as otherwise provided herein, Short Term Rental of property shall occur no more than ten (10) times with a two-night minimum ,excluding foliage season. When the owner is in residence ,five (5) additional rentals are allowed during the permit period, a twelve (12) month period.
- K. In Residential Five Acre and Forestry zones, Short Term Rental are allowed no more than 15 times in a calendar year with a two-night minimum stay. When the owner is in residence ,Short Term Rentals are unlimited.
- L. The foregoing limitation on the number of times that a Short Term Rental property may be rented on an annual basis shall not apply to Owner Occupied Short Term Rentals occurring during the Foliage Period, which shall run from September 15 up to and including October 21 of each year. During this period, there is no limitation on the number of times that an Owner Occupied Short Term Rental may be rented. This exemption for Owner Occupied Short Term Rentals during the Foliage Period shall not relieve the owners of such properties of their obligation to comply with all other applicable requirements of federal, State and local law and regulations pertaining to rental properties, including health and safety requirements.

E. Fees

A fee of \$75.00 shall be paid to the Town of Woodstock in connection with the submission of any Short Term Rental Registry form or renewal thereof. The Selectboard, from time to time, modify this fee and may establish and adopt other fees related to the administration and enforcement of this Ordinance, and may incorporate all such fees into a duly adopted fee schedule.

F. Waiver/Variance

To prevent undue hardship or delay, avoid injustice, or for other good cause shown, the selectboard may, upon good cause shown, waive or vary the requirements of this Ordinance upon such reasonable terms and conditions as it may require, unless precluded by the Ordinance itself or by other provisions of law. In considering any request for waiver or variance, the selectboard shall at least consider: (1) the reason for the request, including its reasonableness, and the reason for the requirement at issue, (2) the risk to public health, safety, welfare and convenience in granting the request, (3) the danger of prejudice to the applicant and third parties if the request is granted, (4) the timeliness of the request, and (5) whether the requestor is acting in good faith.

G. Enforcement

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. Each day the violation continues shall constitute a separate offense.

The Compliance Officer, Woodstock Police Officers, the Woodstock Zoning Administrator and the Woodstock Village/Town Manager shall all be designated and authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau, or other court having jurisdiction, a municipal complaint.

H. Waiver Fees

I. An Issuing Municipal Official is authorized to recover waiver fees, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

(a) Operating STR Without Authorization or Registration Number - \$500

(b) All Other Violations:

First Offense - \$100

Second Offense - \$250

Third Offense - \$500

Fourth and Subsequent Offenses - \$700

Offenses shall be counted on a twelve (12) month basis, beginning May 1 and ending April 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a waiver fee, for any First Offense violation other than Operating a Short Term Rental Without Authorization or a Registration Number. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

I. Civil Penalties

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

(a) Operating STR Without Authorization or Registration Number - \$800

(b) All Other Violations:

First Offense - \$400

Second Offense - \$600

Third Offense - \$800

Fourth and Subsequent Offenses - \$800, plus automatic revocation for twelve months before a new Short Term Rental Authorization Application may be submitted.

Offenses shall be counted on a twelve (12) month basis, beginning May 1 and ending April 30 of each year. An Issuing Municipal Official shall have authority to issue a written warning, without recovering a civil penalty, for any First Offense violation other than Operating a Short Term Rental Without Authorization or a Registration Number. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

J. Other Relief

In addition to the enforcement procedures available under Chapter 59 of Title 24, the Town of Woodstock/Town Manager is authorized to commence a civil action in the Civil Division of the Vermont Superior Court to obtain injunctive and other appropriate relief, to request revocation or suspension of any Short Term Rental Authorization and Registration Number on behalf of the Town of Woodstock, or to pursue any other remedy authorized by law.

K. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, that provision shall be severed from the ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

L. Effective Date. This Ordinance shall take effect upon passage.

Any person who violates provision of this civil ordinance shall be subject to a civil penalty of up to \$800.00 per day, for each day that said violation continues. The Fire Chief or his designee 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 16- Fee Schedule for other than Short term rentals

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

Building Inspection, Code Enforcement, and Fire Safety Ordinance

Fire Safety / Complaint Inspection No Fee

1st Follow-up Inspection No Fee

Additional Follow-up Inspections for failure to comply \$50.00

Solar PV permit \$80.00 Available on the Town of Woodstock Website in the Fire Department section.

Solar PV Site Visit /Final inspection No Fee

Failure to obtain Approval for Solar PV System permit prior to beginning installation. \$250.00, Waiver \$100.00

Failure to obtain certificate of compliance for Building Mounted Solar PV System. \$500.00, Waiver \$100.00

Failure to comply with order to remove hazards, or to address an ordinance or code violation. \$50.00 per day

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 or the Town Woodstock Zoning office.

Section 17 – Severability

If any provision of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, that provision shall be severed from the ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

This Ordinance is hereby adopted by the Select Board of the Town of Woodstock on this 4th day of May 2021, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Dated this 4th day of May 2021.

Effective date of ordinance: August 2, 2021.

Town of Woodstock, Select Board



Mary Y Riley (May 12, 2021 18:18 EDT)



Raymond Bourgeois (May 12, 2021 21:00 EDT)



Kerri Cole (May 13, 2021 09:36 EDT)



Joe Swanson (May 13, 2021 12:05 EDT)

CITIZENS' RIGHT TO PETITION FOR VOTE

Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting. To disapprove ordinances adopted by the Select Board. To exercise this right, citizens must present to the Select Board or the Town Clerk a petition for a vote on the question of disapproving the ordinance signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the Building Inspection, Code Enforcement, and Fire Ordinance shall become effective sixty (60) days from the date of said adoption.