

**ORDER TO REMEDIATE
DANGEROUS AND STRUCTURALLY UNSAFE BUILDING**

The Village Trustees hereby Order the Following:

- A. The building located at 203 Paper Mill Road in Bellows Falls, Vermont shall be vacated; and
- B. Owners shall secure the structure from public entry within fourteen (14) days; and
- C. Regularly inspect and continually maintain the system which secures the structure from public entry.

Pursuant to the Unsafe Building Ordinance enacted under the authority of 24 V.S.A. 1972 and 1973, the Village Trustees for the Bellows Falls Village Corporation, Town of Rockingham, Vermont, hereby issue this Order to Remediate Dangerous and Structurally Unsafe Building located at 203 Paper Mill Road, based on the following:

1. On May 4, 2018, Shaun McGinnis, Chief of Bellows Falls Fire Department, inspected the premises located at 203 Paper Mill Road in Bellows Fall, Vermont. The building appeared to be in the same condition it was in when Chief McGinnis responded to a fire in the fall of 2017. Chief McGinnis reported that as of last fall, there were holes in the floor of the building, an elevator shaft open from the top floor to the basement, and signs of people occupying the roof. Chief McGinnis reported that the building was dangerous and unsafe.
2. Following Chief McGinnis' report, the Village Trustees designated a Committee to inspect the structure as required by the Unsafe Building Ordinance. The Committee consisted of Chief McGinnis, Health Officer Charles Wise, and David T. Hindinger III, P.E., S.E..
3. The Committee inspected the premises on May 25, 2018 and reported to the Trustees that the building was a *Dangerous Building* and a *Structurally Unsafe Building* and *Nuisance* as defined by the Dangerous Unsafe Building Ordinance.

Findings

The Committee found:

"This large concrete building has multiple open entry points where the public can access the structure. The building is not actively maintained as a habitable structure and there is an absence of protective members to prevent entry by the public, vandals, and the local homeless population. There are open holes within the building and unprotected window openings which are fall hazards. There are numerous hazards which exist due to the absence of building utilities, the absence of security measures (doors, windows and locks) and basic safety features such as handrails and guardrails."

"The large concrete building has window and door openings which are open due to missing or broken units, it does not have a thermal envelope, it does not have an operating heating system, it does not have an operating electrical or fire suppression system. There are multiple fundamental building code deficiencies which preclude occupancy at this time."

Recommendations

The Committee recommended that the Board of Trustees:

- Adopt the findings of the Committee;
- Declare the building to be a nuisance per Section III.B and Section V;
- Order the building vacated per Section V;
- Order the Owner to complete the following Initial Safety and Security Measures per Section IV:
 - a) Secure the structure from public entry within 14 days
 - b) Regularly inspect and continually maintain the system which secures the structure from public entry.
- Proceed with the Notice and Service per Section IX and Order and Notice per Section X.

See: Report of Committee, attached as Exhibit 1 and incorporated herein.

Order

The Village Trustees reviewed the Committee's report and adopted the findings of the Committee and agreed with the proposed remediation.

- A. The building shall be vacated; and
- B. Owners shall secure the structure from public entry within fourteen (14) days; and
- C. Regularly inspect and continually maintain the system which secures the structure from public entry.

Enforcement

In the event of non-compliance with this Order, the Village may enforce the terms of the Order by:

1. Resorting to the appropriate Judicial Remedy where available;
2. Correcting the defect or causing the building or structure and/or site to be secured, cleaned of debris, and/or shutting off utilities, pay the cost thereof and recover the cost from the owners thereof;
3. In the event that the Trustees resort to the remedy set out in Paragraph 2 of this subsection, the Village shall have a lien against the remaining property to recover its costs. The Trustees shall not be limited to this procedure and shall be entitled to any other statutory action for remedy. Such costs shall also include the recovery of all reasonable costs for the enforcement of such order and any recovery shall include reasonable attorney's fees. Any lien established by the Trustees shall be subject to enforcement consistent with the provisions of enforcement of liens under 9 V.S.A. 1924.

Violations

A violation of the Unsafe Building Ordinance is a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974(a) and § 1977 et seq. A civil penalty of not more than Five Hundred Dollars (\$500.00) may be imposed for each violation of this civil ordinance. Each day that the violation continues will constitute a separate violation of this ordinance. A copy of the Unsafe Building Ordinance is attached as Exhibit 2 and incorporated herein.

Appeal

Any party entitled to notice hereunder may appeal from the order of the Trustees at any time within ten (10) days of receipt of the notice or within ten (10) days of the last date of publication if service of notice is by publication, by filing a Notice of Appeal in writing with the Village Clerk.

Dated this 10th day of July.

Village of Bellows Falls

By: Deborah Wright
Deborah Wright, Village President
Bellows Falls Village Corporation

cc: Town of Rockingham
Bellows Falls Area Development Corporation