

CHAPTER IX

LIFE SAFETY CODE

THE VILLAGE OF BELLOWS FALLS ORDAINS:

ARTICLE I

Section 1. Life Safety Code. The Village of Bellows Falls hereby adopts the NFPA Standard 101 Life Safety Code current edition and the Vermont Fire Prevention Code, excepting such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the Village of Bellows Falls and which not less than three (3) copies have been and now are filed in the office of the Chief of the Fire Department of Bellows Falls Village, and the same are hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect. The provisions thereof shall control all buildings and structures presently existing or hereinafter constructed within the Village of Bellows Falls. In event of any conflict between the two codes the more stringent shall apply.

ARTICLE II. AMENDMENTS

Section 1. Section 3-2 Definitions, as pertains to Authority Having Jurisdiction and amended to read as follows:

Authority Having Jurisdiction: The Chief of the Fire Department or his designated representative, is designated to enforce this Code.

ARTICLE III. ENFORCEMENT

Section 1. Responsibility. The Chief of the Fire Department and his designated representative shall be responsible for enforcing this ordinance.

Section 2. Right of Entry. The Chief of the Fire Department, or his designated representative, may, at all reasonable hours, enter any building or premises for purpose of inspection or investigation under the provisions of this Code as he may deem necessary.

Section 3. Uniform Fire Detail. At all public gatherings in places of assembly covered by this Code, with a capacity of 100 people or more, where the attendance is expected to exceed 85% of the legal capacity of the meeting area then the agency responsible for said gathering shall provide for the presence of a uniformed member of the Fire Department from one-half (1/2) hour prior to the time of the gathering to one-half (1/2) hour after the gathering has terminated. This provision may be waived when deemed appropriate by the Chief of the Fire Department. In

any event, if 95% capacity of the meeting area is exceeded then the Fire Department shall be notified.

- Section 4. Right to Close. The Chief of the Fire Department, or his designated representative, may upon finding of a condition hazardous to life in a place of assembly, order, such place to be cleared of occupants until such time as the owner or occupant has shown an intent to correct such hazard. The initial period of closing shall not exceed 24 hours, but the closing period may be extended by the Chief of the Fire Department if the owner or occupant of such place of assembly fails to correct the hazard or hazards.

ARTICLE IV APPEALS

- Section 1. Designation of Board of Appeals. The Board of Trustees, Bellows Falls Village Corporation is designated to hear and decide appeals which may be taken by anyone aggrieved by a decision of the Chief of the Fire Department or his designated representative.
- Section 2. Appeals. Any person aggrieved may appeal to the Board from any decision of the Chief of the Fire Department or his designated representative. Such appeal may be taken within five (5) days from the date of the decision appealed from, by filing with the Chief of the Fire Department and with the Village Clerk a notice of appeal, specifying the grounds thereof. The Chief of the Fire Department shall forthwith transmit to the Village Clerk all records pertaining to the decision from which the appeal was made.
- Section 3. Hearings and Notice. The Board shall fix a reasonable time for the hearing of an appeal, giving public notice thereof as well as notice to the parties of interest. Due notice of any hearing shall be deemed to be not less than five (5) days unless waived by the appellant. Public notice shall be given by posting at the Town Hall.
- Section 4. Modification. The Board, after public hearing, may vary the application of any provision of this to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, or would be contrary to the spirit and purpose of this Code or public interest. A decision of the Board to vary the application of any provision of this code or to modify the order of the Chief of the Fire Department shall specify in what manner such variation or modification is made, the condition upon which it is made, and the reasons therefore.
- Section 5. Decisions. The Board shall in every case render a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the division of the vote upon the decision. Every decision shall be promptly filed in the office of the Chief of the Fire Department and with the Village Clerk and shall be open to public inspection. A copy certified by the Village Clerk shall be sent by mail or otherwise to the appellant or his attorney of record. If a decision of the Board reverses or modifies the decision of the Chief of

the Fire Department or varies with the application of any provision of this Code, the Chief of the Fire Department shall comply immediately with such decision.

Section 6. Upon proper filing of an appeal the enforcement of any order of the Chief of the Fire Department or his representative shall be stayed pending decision on the appeal unless the Chief or his representative files with the Board of Appeals a certificate under oath (1) that a stay of enforcement would create an immediate danger to the health, safety, or welfare of the public and (2) setting forth the factual basis for the certification.

Upon filing of a Certificate of Immediate Danger as set forth above the Board of Appeals shall hold a preliminary hearing on the matter as soon as reasonably practical and shall forthwith determine if the enforcement of the order should be stayed and such other matters as may be appropriate under the circumstances.

The appellant at the preliminary hearing may request a formal hearing pursuant to this article or may agree that all matters of substance can be heard and decided at the preliminary hearing.

ARTICLE V PENALTIES

Section 1. Any person who has been notified of a code violation under this ordinance who shall fail to correct the same within the time specified by the Chief or his representative or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a violation, punishable by a fine of not more than one hundred dollars (\$100.00). Each day that a violation continues, after notice of the violation by the Chief of the Fire Department or his designated representative, if no appeal is taken, or after a final decision of the Code Review Board if an appeal is taken, shall be deemed a separate offense.

ARTICLE VI SEVERABILITY

Section 1. If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not effect the remaining portions, which shall remain in full force and effect; and, to this end the provisions of this ordinance are severable.