



Burlington City Council Ordinance Committee 6/12/2018

BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

Tuesday, June 12, 2018

Fletcher Free Library Community Room

235 College St., Burlington, Vt.

5:30 p.m. – 7:30 p.m.

****MINUTES ****

Present: Chair Chip Mason (CM), Sharon Bushor (SB), Jane Knodell (JK)

Absent: none

Other City Staff: Gene Bergman (GB) (Staff Attorney), Patty Wehman (Code), Aaron Collette (BFD), Barry Simays (BS) (BFD)

Public: Mark Flynn

CM called the meeting to order at 5:37 p.m.

1.01 Agenda: SB moved to amend the agenda to do the fire ordinance first, JK seconded, and it was adopted unanimously as amended, 3-0.

2.01 Public Forum: no one sought to speak in the forum.

3.01 Approval of OC Minutes of 5/29/18: SB moved to approve the May 29, 2018 minutes as drafted, CM seconded, and the minutes were approved, 2-0-1 (JK).

4.01. Fire—Chapter 13 Revisions

CM asked the Fire officials to explain the changes. BS said the revision is the first update since 2009 and much is a clean-up of language, fees, and terminology to keep up with technological changes and the reorganization of the department. CM asked where the reorg is and AC said the changes relate to the deletion of fire inspector because the position doesn't exist. The same is true for fire marshals because there are now more than one. See lines 181, 190 and 191.



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BS said the biggest change is in the radio amplification section, 13-65 on lines 368-372, because the technology has outstripped the old language. AC said new buildings are being built in ways that are interfering with communications and the goal is to eliminate that.

Another change is that the existing chapter did not have anything regarding fire alarm system fees for city owned buildings and this revision brings in the provisions of chapter 8. See section 13-59 on lines 317-319, which says that no fee is required for the estimated cost of work for the part of the building that is owned by a general fund funded city department.

SB asked about the standards for smoke detector installations and whether on line 59 the state code is consistent with the ordinance proposal. BS said yes and explained why (temperature). This part of the ordinance is not being proposed to be changed.

Regarding smoke detectors and alarms—on lines 73-74, SB asked if smoke detectors can be battery operated and BS said yes in certain circumstances, i.e., existing single family homes.

SB asked regarding equipment being taken outside city, 13-8, if an acting mayor was included and GB said yes.

SB asked how the penalty provisions, on lines 13-14 and 13-20, work together and BFD explained.

Regarding the section on the funds for relief of sick or disabled firefighters on lines 183-187, SB asked for an explanation of the meaning. BFD explained language on funds for relief; and CM suggested deleting from "or" on 183 to "department" in 186 and SB seconded, and the committee unanimously amended the proposed ordinance.

SB asked if the residential sprinkler system code, NFPA 13R, comports with state law and BS said yes. See line 282.

SB asked if line 299, fire pump systems, reads correctly, and BS said yes.

Regarding the reductions to the tent fees on lines 353-365, SB asked for an explanation and BS explained that this is for long standing recurring events to create a single permit for these events.

JK asked what the systemic changes are and BS said the purpose is to make the ordinance current so there are no systemic changes. The smoke detector requirements have not changed but the language is changed to update to the current



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language that is used.

Action: SB moved, JK seconded and the committee unanimously, 3-0, approved the ordinance as amended (deleting the words from “or” on line 183 to “department” in line 186) and forwarding to the CC for 2nd reading and adoption with a recommendation for adoption.

4.02. Housing – Suspension and revocation of certificate, Sec. 18-20

CM asked GB to point to the documents posted on Board Docs & GB did.

CM went to the first comment by GB in the redraft on the resident v. tenant question and said that the CA proposal on the definition makes policy sense. SB and JK agreed and the committee unanimously agreed to accept it as part of the ordinance. The committee also agree with the CA’s and ACLU’s changes on adjudication language on lines 154 – 156, for the non-criminal provision.

On the comment on adjudications and the notice to landlords, CM pointed out the differences in the ACLU and CE/CA positions. He, JK & SB disagree with the ACLU position and agree with the CE/CA position. No change was made.

The committee agreed not to delete 21-28 after review of the memos and comments.

On the disability question, CM reminded the committee about the last meeting’s decision not to require this and pointed to the opposition by CE and CA to the new language. The committee agreed to not put in the new language proposed.

On the question of hearing rights, the committee discussed and decided to leave the redraft as is.

SB went through the minutes to see that changes asked by the committee at the last meeting were made. They were.

Mark Flynn spoke and said he did not support the ACLU’s proposed changes.

Action: SB moved, JK seconded to move back the ordinance as amended, for 2d reading and adoption with a recommendation of adoption, and the committee unanimously approved, 3-0.





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5.01 Any Other Business—None

6.01 Adjournment: On SB's motion and CM's second, the meeting was unanimously adjourned at 6:50 pm.

Committee Members:

- Councilor Chip Mason, Chair
- Councilor Sharon Bushor
- Councilor Jane Knodell