

Code Enforcement DPW appeal

66-68 South Union Street



3.16.16
1. CODE: 66-68 So Union
2. APPELLANT: letter, contents
Page, 66-68 So Union
3. CODE: 41 So Willard
4. CODE: Division of Fire Safety
5. APPELLANT: 41 So Willard

Code Enforcement Timeline of inspections at this property

DATE	ACTION	INSPECTOR	DEFICIENCIES
10/6/2015	Routine Housing Inspection	Ted Miles/Bill Ward	15
10/8/2015	Order Sent	Sybil	
11/20/2015	Follow-up Inspection	Ted Miles/Bill Ward	18
12/28/2016	Complaint inspection -Heat	Ted Miles	
1/5/2016	Heat complaint closed	Ted Miles	
1/5/2016	Complaint of Cockroach infestation in 2 units	Ted Miles	
1/5/2016	Order sent for cockroach infestation	Sybil Thomas	1
1/22/2016	Re-inspection for infestation - complaint closed	Ted Miles	
1/27/2016	Appeal received for future inspections		
2/18/2016	Order Sent for Inspection on November 6, 2015	Under Appeal	18
3/11/2016	Date set for compliance with 2/18/16 Order		

There were 18 deficiencies at the November 20, 2015 inspection

1 of those deficiencies was from Division 5 of the housing ordinance
and is subject to appeal review by the Public Works Commission

➤ Item #7 of 18 – Obstructed egress

Unit/Area Basement steps (Item 7 of 18)

Finding: Path of egress is obstructed or otherwise unsafe. debris at top of stairs to basement not allowing door to open fully as per fire marshal inspection on 11/20/2015

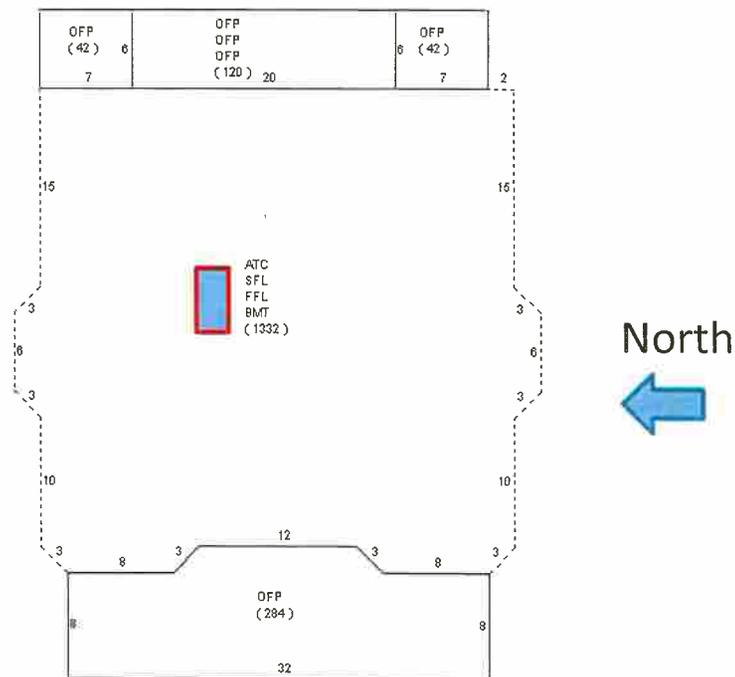
Remedy: Remove obstructions behind door to basement and maintain safe path of egress at all times

Code Section: Means of egress

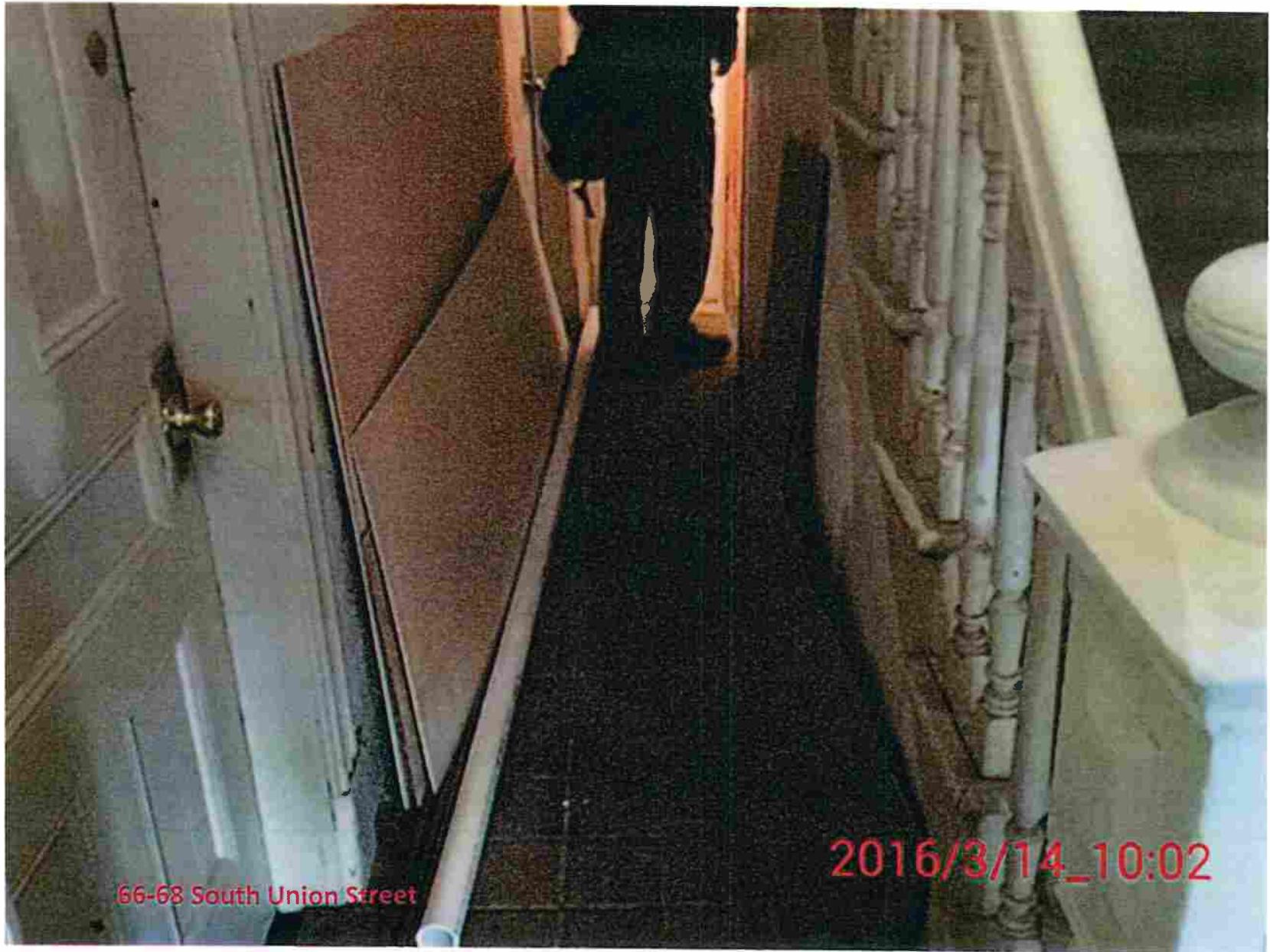
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Basement door indicated by red rectangle. Door leads from ground floor into the basement
This door would not open fully. It was partially blocked by stored debris.



Floor plan sketch of 66-68 South Union Street



Conditions observed on March 14, 2016 – Photograph taken by William Ward



Conditions observed on January 31, 2014 – Photograph taken by William Ward

18-95 Means of egress

Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two (2) safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade unless the building is protected by a fire prevention, protection and alarm system permitted and approved by the Burlington fire marshal, in which case the unit shall have the same means of egress required of first and second floor dwelling units. At a minimum, standards for the maintenance of a required means of egress shall be governed by the following:

- (a) All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units shall not lead through other such units or through toilet rooms or bathrooms.
- (b) Ladders or any other exit method which does not comply with the requirements of the building code as adopted by the city in Section 8-2 are not an acceptable means of egress and shall be removed or augmented by an acceptable means of egress.
- (c) All required fire escapes shall be structurally sound and maintained safe and usable and free of snow and ice.
- (d) All required exit signs shall be maintained illuminated and visible

18-96 Accumulations and storage

Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential usage.

(Ord. of 8-4-86)

Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiency ordered to be corrected was valid.
2. Require that the order be complied with and the deficiency be corrected to meet code requirements.

WARD & BABB

ATTORNEYS-AT-LAW

A Trade Name for a Professional Corporation

EUGENE J. WARD, III
GUY L. BABB
WILLIAM B. TOWLE
CYNTHIA R. AMRHEIN (VT, NY)
AMBER L. THIBEAULT
DAVID R. WEIGEL (VT, MA)

REGISTERED LAW CLERK:
HETHBA FATNASSI
CATHERINE M. COLT

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Sender's e-mail: towle@wardandbabb.com

CLOSING COORDINATOR:
DEBRA DENNY

LEGAL ASSISTANTS:
TIFFANY R. PEZZIMENTI
ELAINE M. SARKISIAN

PARALEGAL:
JO RICHER

March 15, 2016

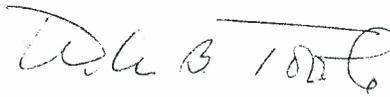
Public Works Commission
Department of Public Works
PO Box 849
Burlington, VT 05402-0849

**RE: 66-68 South Union Street
41 South Willard Street
40-42 Colchester Avenue**

Dear Commission

Please find attached Mr. Kwon's exhibits.

Sincerely,



William B. Towle

cc: Eugene Bergman

Soon Kwon appeals to Housing Board of Review
Soon Kwon's Exhibits

66-68 South Union	
Video - Front of Building	1
Photograph - Stairwell "before"	2
Photograph - Stairwell "after"	3
41 South Willard	
Photograph - Front of Building	4
Photograph - Basement	5
Photograph - Basement	6
Photograph - Basement	7
Photograph - Window knob	8
Sales Order - Additional knobs	9
40-42 Colchester	
Video - Front of Building	10
Photograph - Rear of Building	11
Video - Front Step	12
Video - Front Step	13
Photograph - Storage room	14
Photograph - Building Permit	15
Photograph - Fixed Hole in Lightwell	16
	17
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18-95 Means of egress.

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- (b) Ladders or any other exit method which does not comply with the requirements of the building code as adopted by the city in Section [8-2](#) are not an acceptable means of egress and shall be removed or augmented by an acceptable means of egress.
- (c) All required fire escapes shall be structurally sound and maintained safe and usable and free of snow and ice.
- (d) All required exit signs shall be maintained illuminated and visible.

18-96 Accumulations and storage.

Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential usage.

66-68 South Union



KWON EXHIBIT 1



KWON EXHIBIT 2



KWON EXHIBIT 3

Code Enforcement DPW appeal hearing

41 South Willard Street



Code Enforcement Timeline of inspections at this property

DATE	ACTION	INSPECTOR	DEFICIENCIES
8/24/2015	Routine Housing Inspection	Tim Ahonen/ Bill Ward	39 Items
8/26/2015	Order Sent	Sybil Thomas	
9/23/2015	Follow-up Inspection	Tim Ahonen/ Bill Ward	37 Items
9/29/2015	Order Sent	Sybil Thomas	
10/22/2015	2nd Follow-up Inspection	Tim Ahonen/ Bill Ward	35 Items
10/27/2015	Order Sent	Sybil Thomas	
11/13/2015	3rd Follow-up Inspection	Tim Ahonen/ Bill Ward	31 Items
1/8/2016	Order Sent for Inspection on November 13, 2015	Sybil Thomas	UNDER APPEAL
1/27/2016	Appeal received on 1/8/16 order for November 2015 inspection		
2/8/2016	Inspection rescheduled to 2-18-2016 at request of Attorney Will Towle	Bill Ward	
2/11/2016	Compliance date from January 8, 2016 order		
2/18/2016	Inspection for compliance date 2-11-16	Tim Ahonen/ Bill Ward	

There were 32 deficiencies at the November 2015 inspection

3 of those deficiencies are from Division 5 of the housing ordinance and are subject to appeal review by the Public Works Commission

- Item #10 of 32 – Excessive interior accumulations
- Item #31 of 32 – Expired Smoke/CO detectors
- Item #32 of 32 – Obstructed escape/egress

Unit/Area
cellar (Item 10 of 32)

Finding: Unreasonable quantities of accumulated and stored materials on premises. Cellar packed with disordered heaps of hoarded goods.

Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations.

Code Section: Interior accumulations and storage
18-96 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

11-13-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed
on 11-12-15–
Photo taken by
William Ward



41 S. Willard



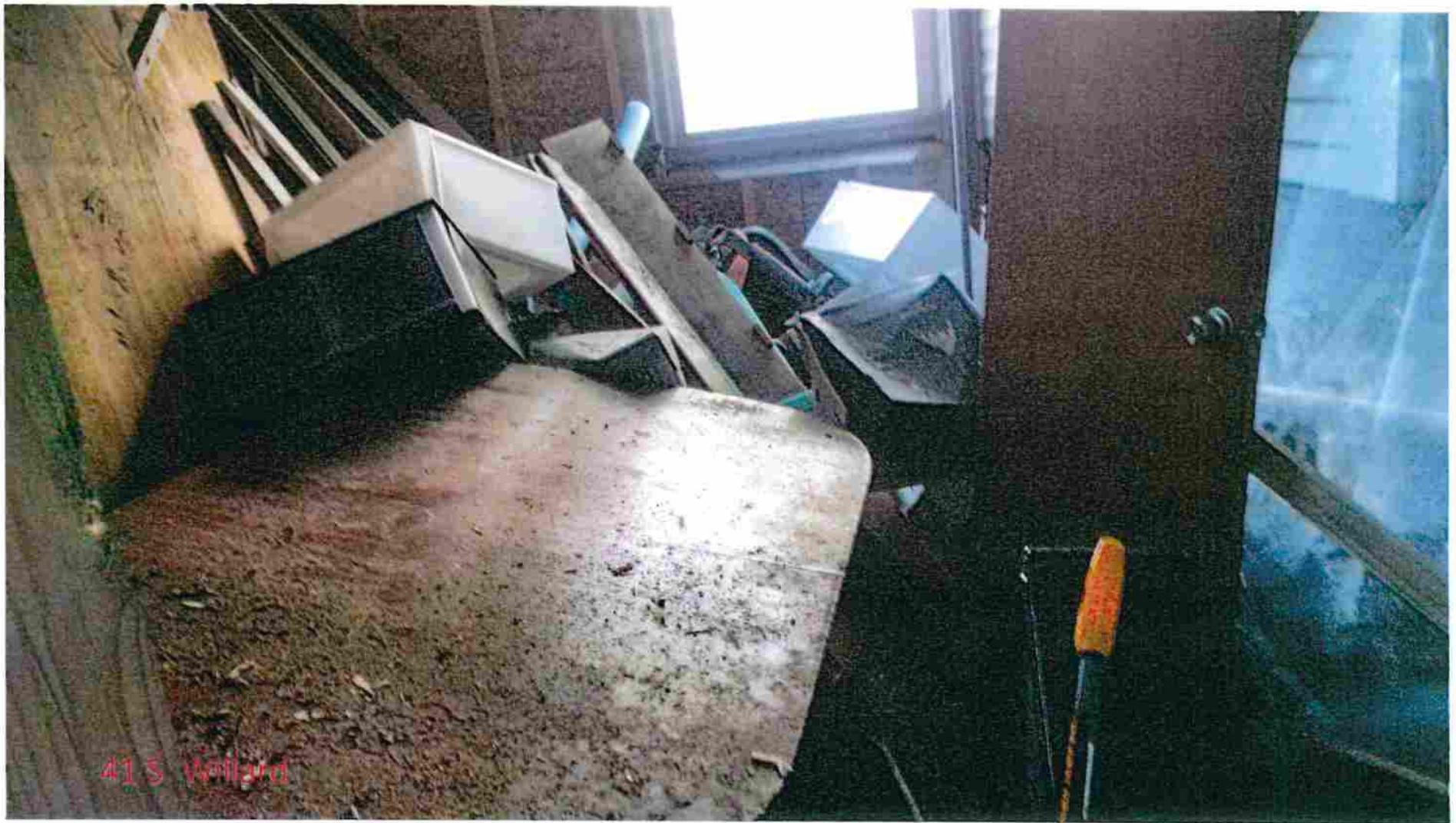
41 S. Willard

Jul 15 2014 2:04pm

Conditions observed on 7-15-14—
Photo taken by William Ward



Conditions observed on 11-13-15—
Photo taken by William Ward



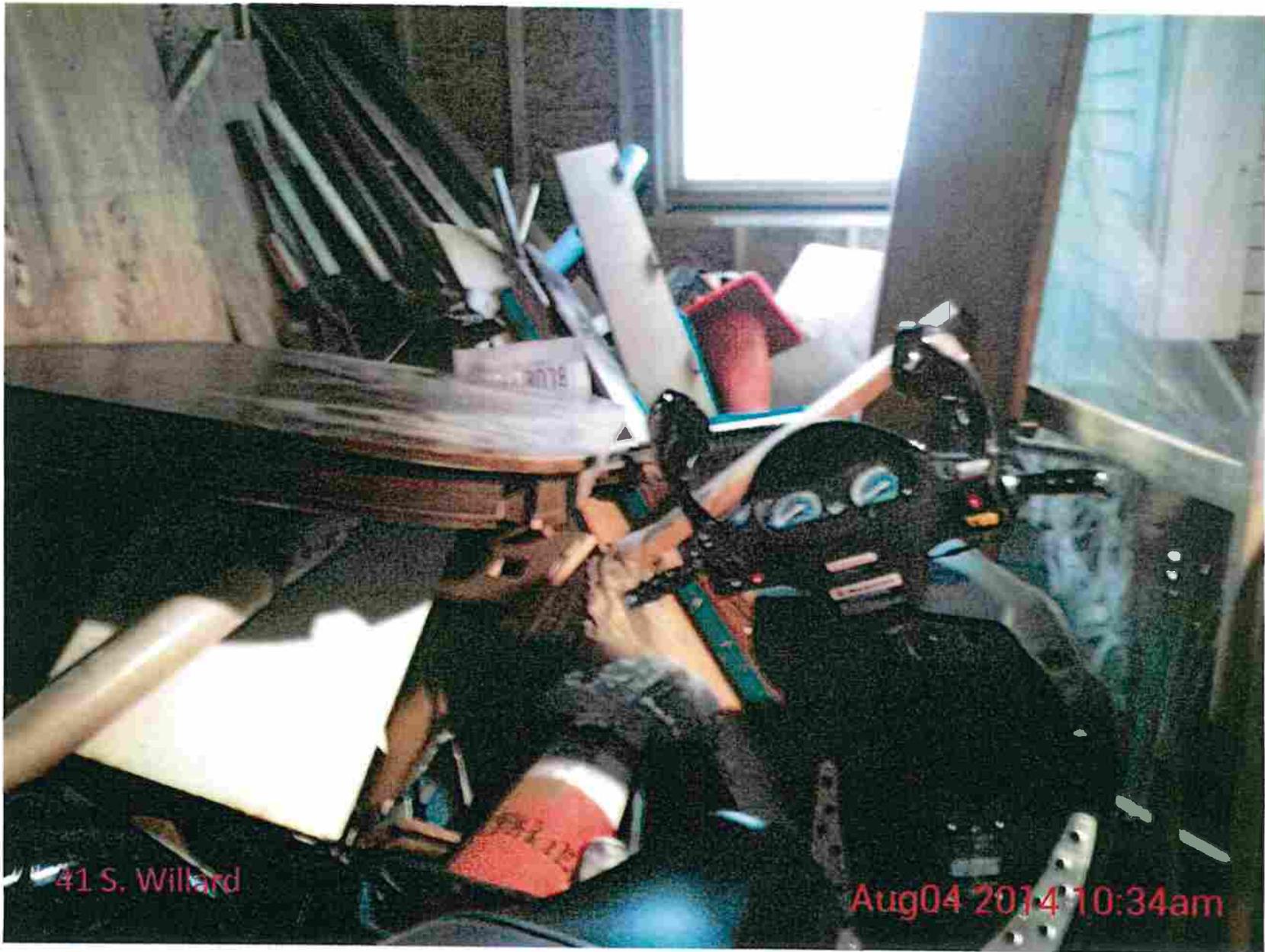
Conditions observed on 8-22-15—
Photo taken by William Ward



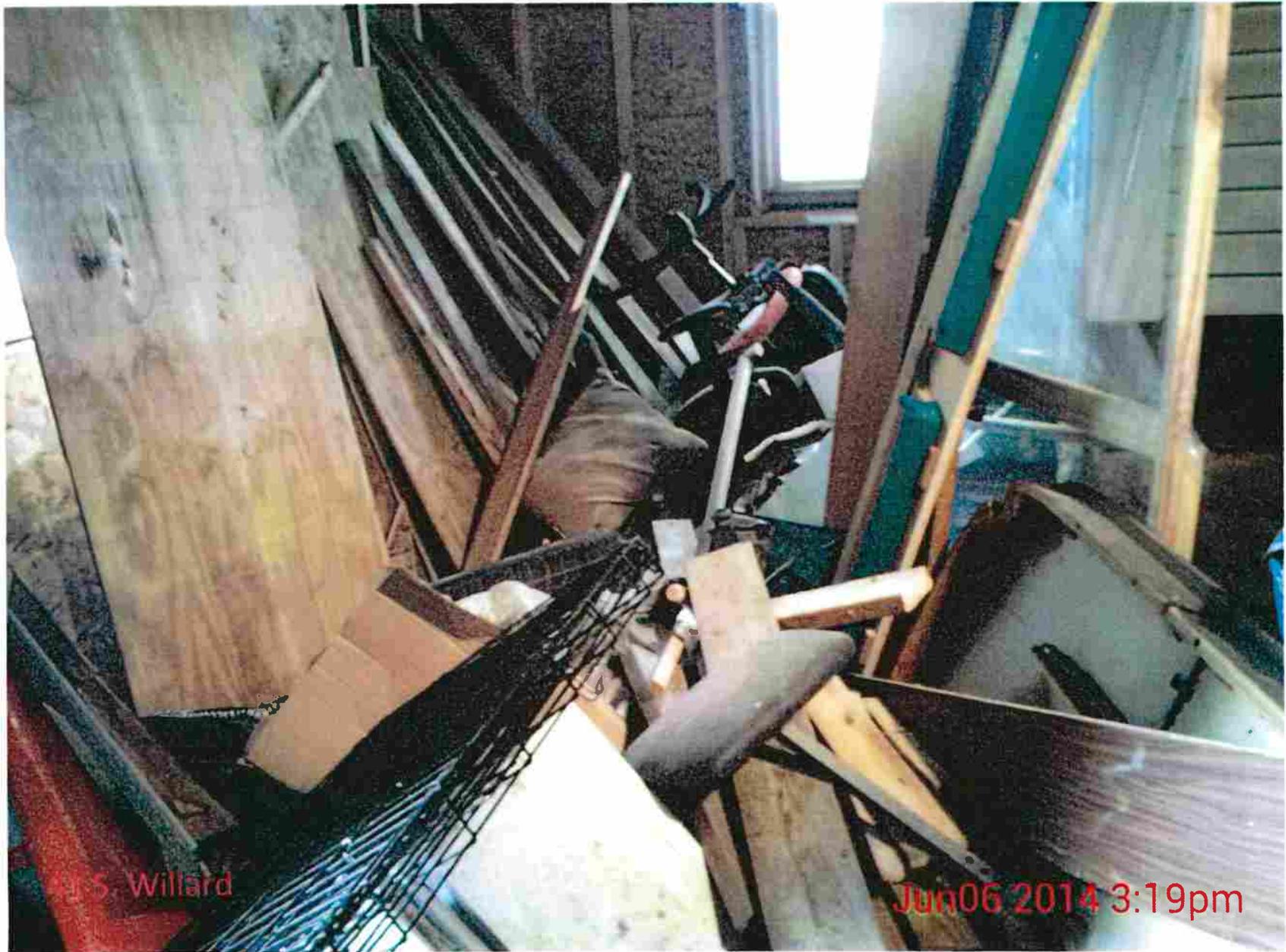
41 S. Willard

Mar 20 2015 10:58am

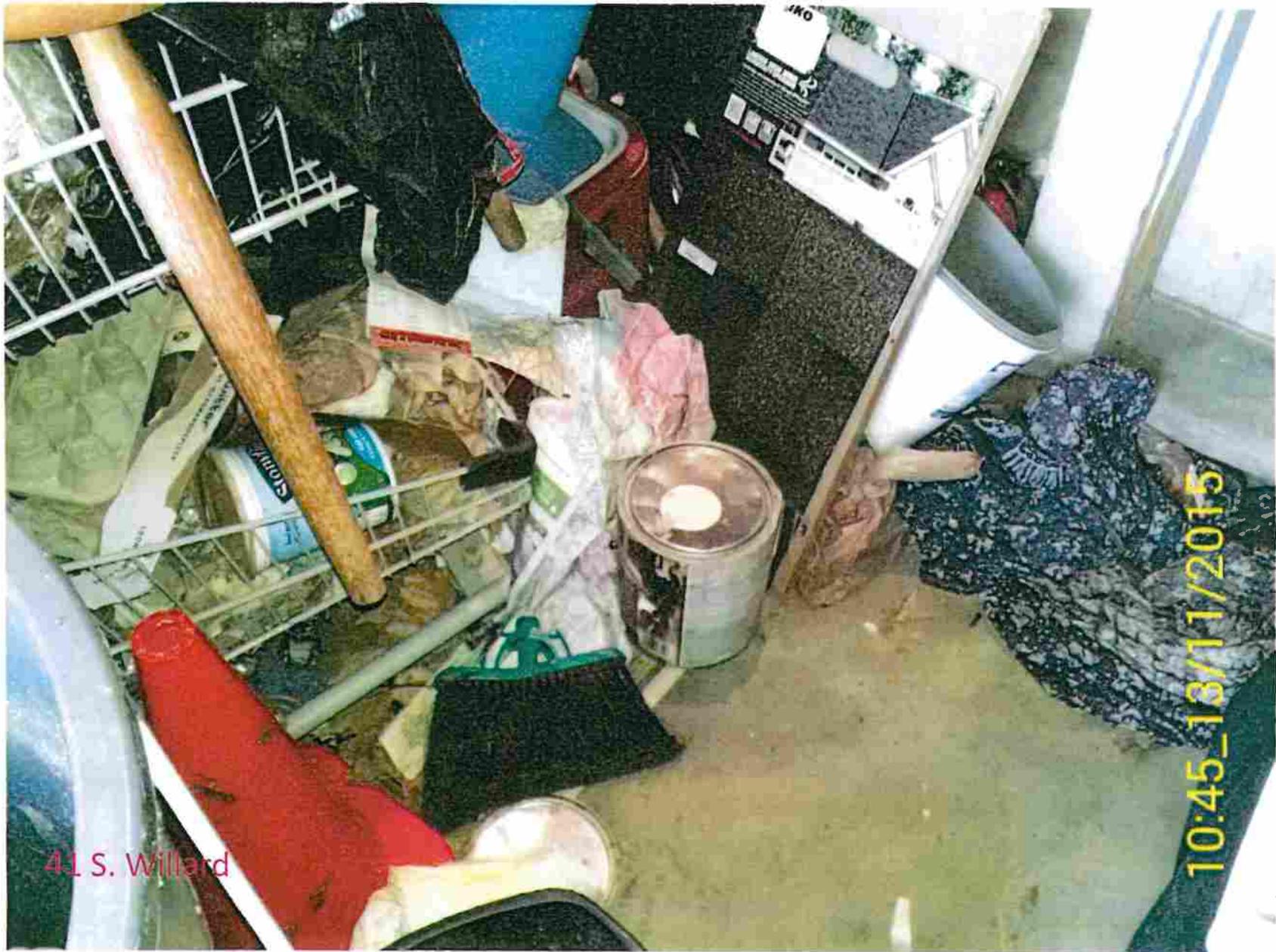
Conditions observed on 3-20-15—
Photo taken by William Ward



Conditions observed on 8-4-14—
Photo taken by William Ward



Conditions observed on 6-06-14 - Photo taken by William Ward



Conditions observed on 11-13-15—
Photo taken by William Ward



Conditions observed on 11-13-15—
Photo taken by William Ward



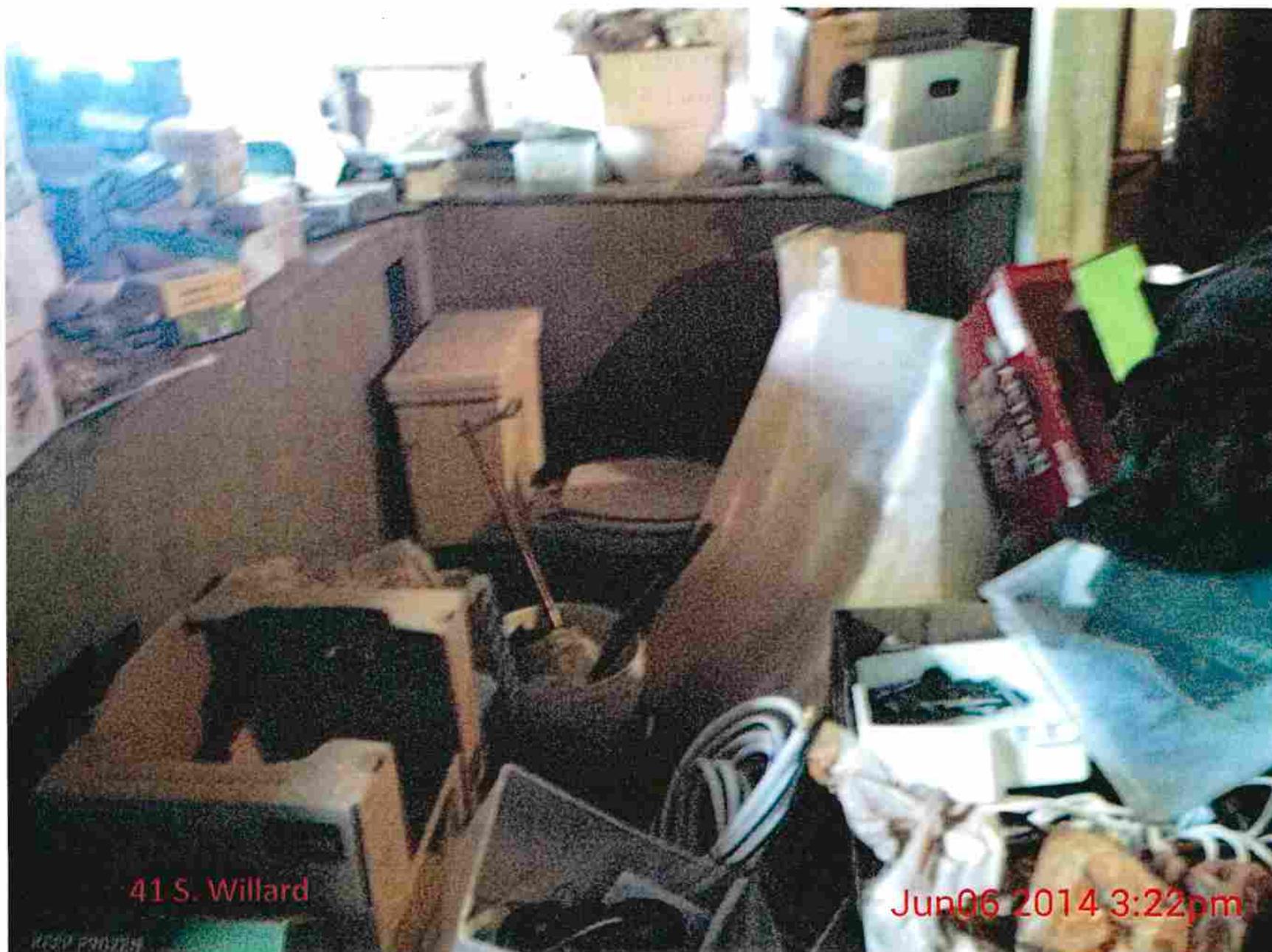
Conditions observed on 2-18-16—
Photo taken by William Ward



Conditions observed on 3-20-15—
Photo taken by William Ward



Conditions observed on 6-06-14—
Photo taken by William Ward



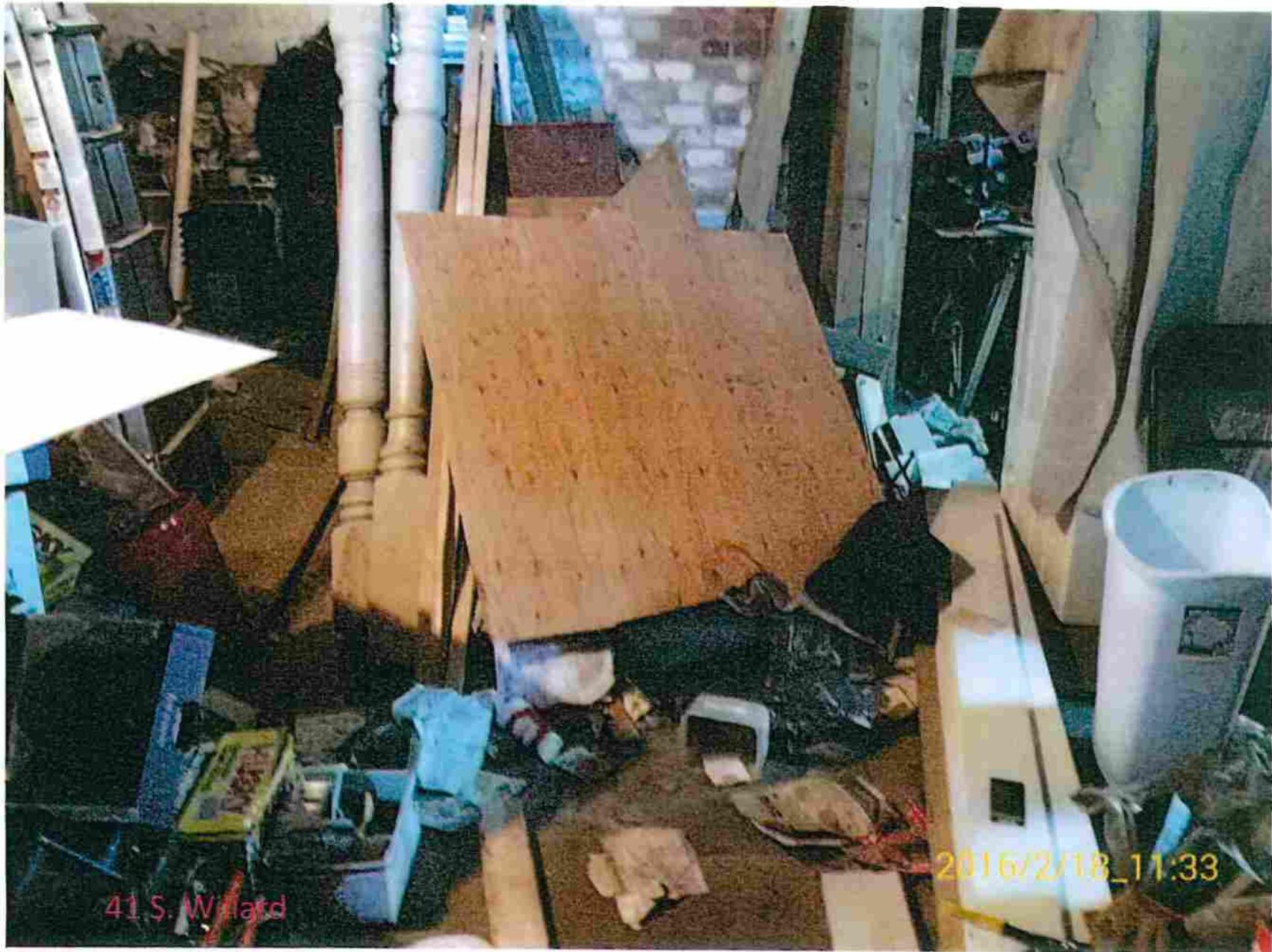
Conditions observed on 6-06-14—
Photo taken by William Ward



Conditions observed on 9-3-14—
Photo taken by William Ward



Conditions observed on 9-3-14-
Photo taken by William Ward



Conditions observed on 2-18-16—
Photo taken by William Ward



Conditions observed on 2-18-16—
Photo taken by William Ward

Unit/Area

Smoke alarms (Item 31 of 32)

Finding: Smoke/CO detector does not meet required standards: all units seen were too old and should be replaced. Units older than 5 years should be replaced.

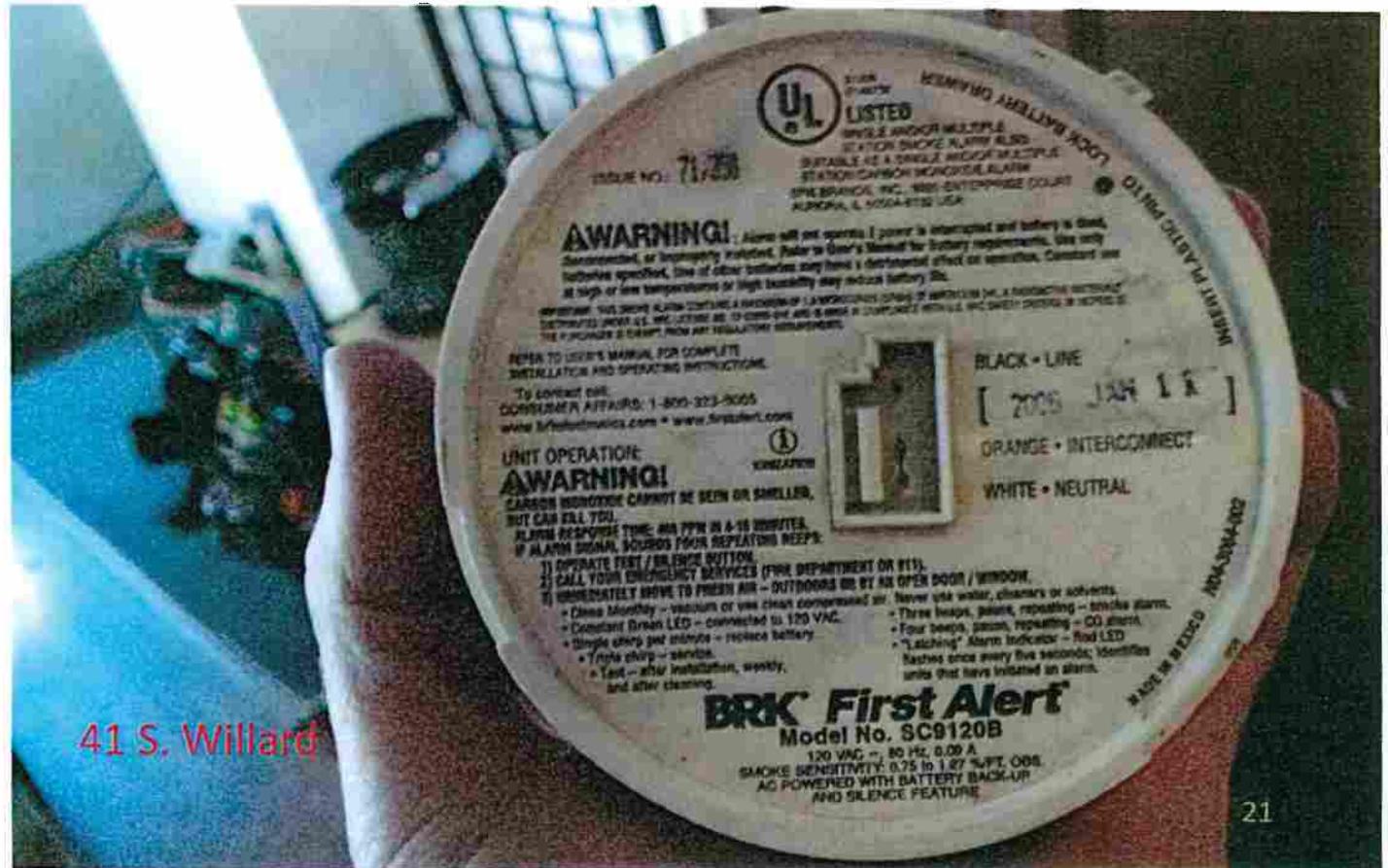
Remedy: Replace smoke/CO detector to code. Carbon monoxide detectors must be UL 2034 listed or approved by a nationally recognized independent testing laboratory. Installation must be in the vicinity of sleeping areas and on every floor of the dwelling, in accordance with the manufacturer's instructions and State law. City of Burlington electrical permit required for electrical work.

Code Section: Smoke detectors

18-99 Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Conditions observed
on 11-12-15 –
Photo taken by
William Ward



Manufacturer information about BRK Smoke/CO detectors

The screenshot shows the BRK website interface. At the top left is the BRK logo with the tagline "THE PROFESSIONAL STANDARD". To the right are navigation links for "Home", "Contact Us", and a search bar with the text "SEARCH: Product, SKU, Keyword" and a "GO" button. Below this is a secondary navigation bar with buttons for "View catalog", "Products", "FAQs/Troubleshooting", and "Register your products".

On the left side, there is a "BRK Professionals" section with a dropdown menu currently showing "New Construction". Below this are links for "Products", "Downloads", "Cross Reference List", "Codes", "Legislation Map", and "Listing cards". Further down are sections for "MRO Professionals" and "OEMs". At the bottom of the left sidebar is an "Other Links:" section with links for "Company Profile", "Rep locator", "Customer Service Numbers", "News / Press", and "Become a Distributor".

The main content area features a yellow banner with the text "How long do CO and CO/Smoke combo alarms last?". Below the banner, the article title "How long do CO and CO/Smoke combo alarms last?" is displayed. The article text discusses ANSI/UL2034 specifications and the end-of-life feature for BRK alarms. A "First Alert" logo is visible in the background of the banner area.

How long do CO and CO/Smoke combo alarms last?

ANSI/UL2034 specifications have changed to require all CO alarms and combination smoke/CO alarms to have an end of life feature. This is an industry wide change. This requirement went into effect for any production beginning on August 1, 2009. All BRK/First Alert carbon monoxide alarms manufactured on or after this date meet this requirement. This information is stated on the original packaging, label on the alarm and the manuals.

Recent breakthroughs in CO sensor technology and alarm design improvements allow most BRK CO alarms and combination smoke and CO alarms to have a 10-year alarm life, a 10-year CO sensor life, and a 10-year warranty. Many also have batteries that last for 10 years. The end of life timer built into the alarm is a simple counter that begins working once the unit is activated either by plugging it in, hardwiring or inserting the battery. Then after approximately 120 months of operation (or other timing as coded in the alarm which may be 60 or 72 months) the unit will begin to sound 5 chirps. See the individual CO product on the BRK website and click on the "sounds" tab to hear this alert. This silence feature can temporarily quiet the End of Life warning "chirp" for up to 2 days. You can silence the End of Life warning "chirp" by pressing the Test/Silence button. The horn will chirp, acknowledging that the End of Life feature has been activated. After approximately 2 days, the End of Life "chirp" will resume. After approximately 2-3 weeks the End of Life warning cannot be silenced

[»Return to New Construction FAQs/Troubleshooting](#)

Conditions observed
on 2-18-16 –
Photo taken by William Ward

This item was determined to be in compliance on 2-18-16



third floor (Item 32 of 32)
east bedroom

Finding: Path of egress is obstructed or otherwise unsafe; third floor east side bedroom egress window has broken off crank. can't be opened.

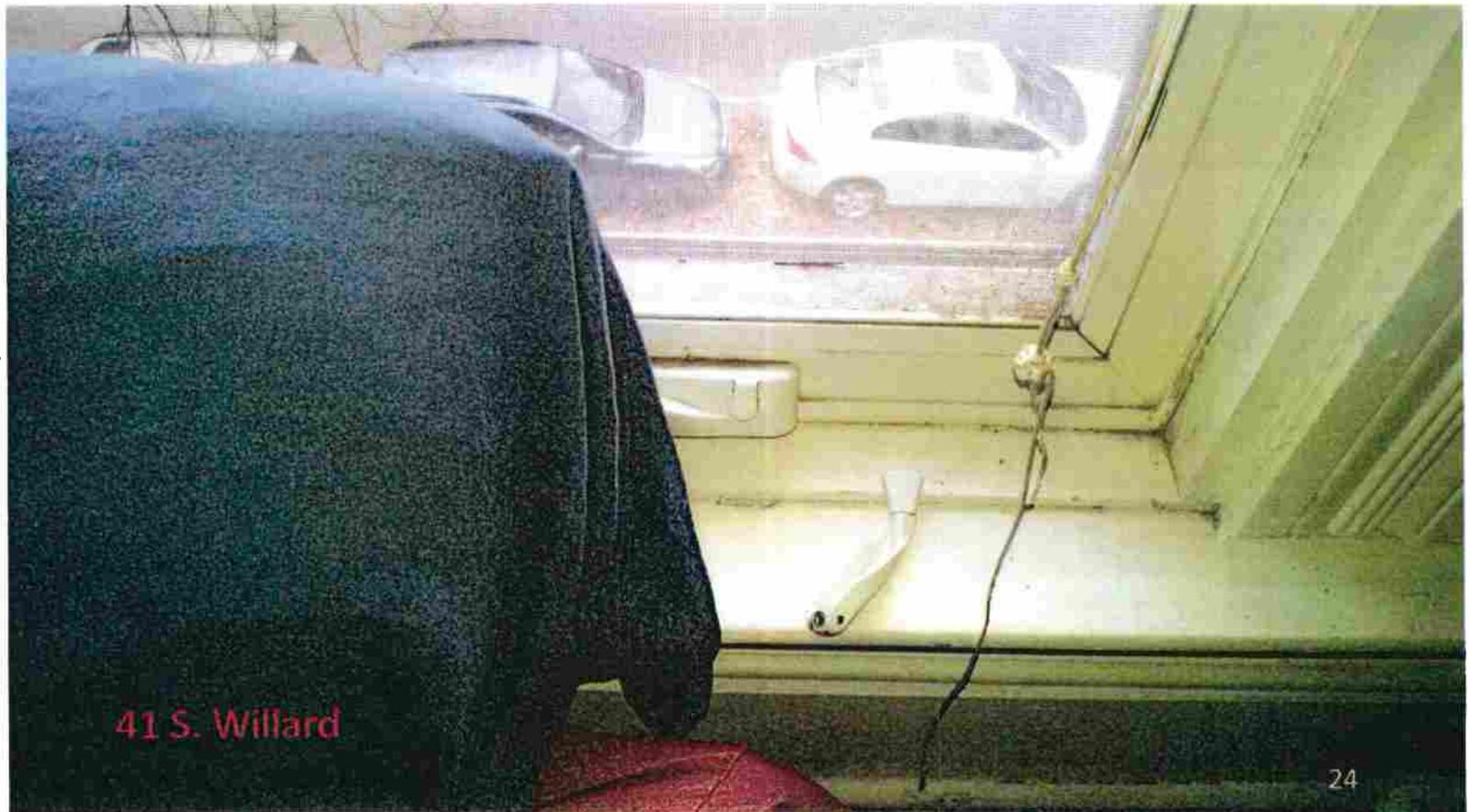
Remedy: Repair window

Code Section: Means of egress

18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

11-13-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions
observed on
11-12-15–
Photo taken by
William Ward





Conditions observed on
11-12-15--
Photo taken by William Ward



Conditions observed on 2-18-16
Photo taken by William Ward



41 S. Willard

Conditions observed on
2-18-16

Photo taken by William Ward (close up of previous photo)

18-84 Windows for light and ventilation

The provisions of this section shall govern requirements of light and ventilation in dwelling units. The intent of this section is to ensure that all habitable rooms and spaces be provided with sufficient light and ventilation so as not to endanger health and safety:

(a) Each habitable room shall have one window opening to the outdoors which can be opened. The minimum ventilation of the opened window area shall be four (4) per cent of the floor area.

(b) Sleeping rooms shall have windows measuring no less than eight (8) per cent of the floor area.

(c) Every bathroom or toilet room shall have one window opening to the outdoors or a fan or mechanical device vented to the outdoors of sufficient size to prevent the buildup of moisture. Window size shall be not less than two (2) square feet.

(d) Adequate lighting in all common halls and stairways in buildings containing two (2) or more dwellings shall be provided and properly maintained.

(Ord. of 8-4-86)

Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiencies ordered to be corrected were valid.
2. Require that the order be complied with and the 3 deficiencies be corrected to meet code requirements.



SECONDARY MEANS OF ESCAPE

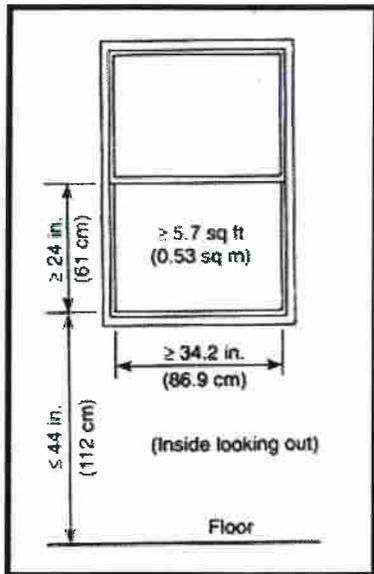
Emergency Egress Windows

CODE INFORMATION SHEET

2012

The saying, "Always have two ways out" is especially true when it comes to home fires. When the basement stairs are blocked, or when fire and thick, black smoke is racing down a hallway toward a dead-end bedroom, windows that are large enough for you to escape - and for firefighters to enter - become essential lifesaving equipment. These all-important secondary means of escape are called egress windows.

Few of us think of windows as lifesaving equipment - but they are! When you need to escape a house fire or other disaster, or when rescue personnel need to enter - the right size egress window can make the difference between life and death.



Requirements of the Vermont Fire and Building Safety Code

Secondary Means of Escape. NFPA 101 Section 24.2.2.3

The secondary means of escape shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than **5.7 sq. ft.** for New Windows. Existing Windows may be no smaller than **5.0 sq. ft.** The width shall be not less than **20 in. (51 cm)**, and the height shall be not less than **24 in. (61 cm)**.

The bottom of the opening shall be not more than **44 in. (112 cm)** above the floor.

Note) a window opening that's the bare minimum of 24 in. high and 20 in. wide does not meet the egress requirements, since its net clear opening is only 3.33 sq. ft. A window must be taller and/or wider than these minimums to meet the 5.7-sq.-ft.-opening requirement.

NFPA 101 Section 24.2.2.3.3

Such means of escape shall be acceptable where one of the following criteria are met:

- (1) The window shall be within 20 ft (6.1 m) of grade.
- (2) The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.
- (3) The window or door shall open onto an exterior balcony.

The code requires that every sleeping room, living area or school classroom must be provided with a secondary means of escape. That means at least one operable window or exterior door approved for emergency egress or rescue.

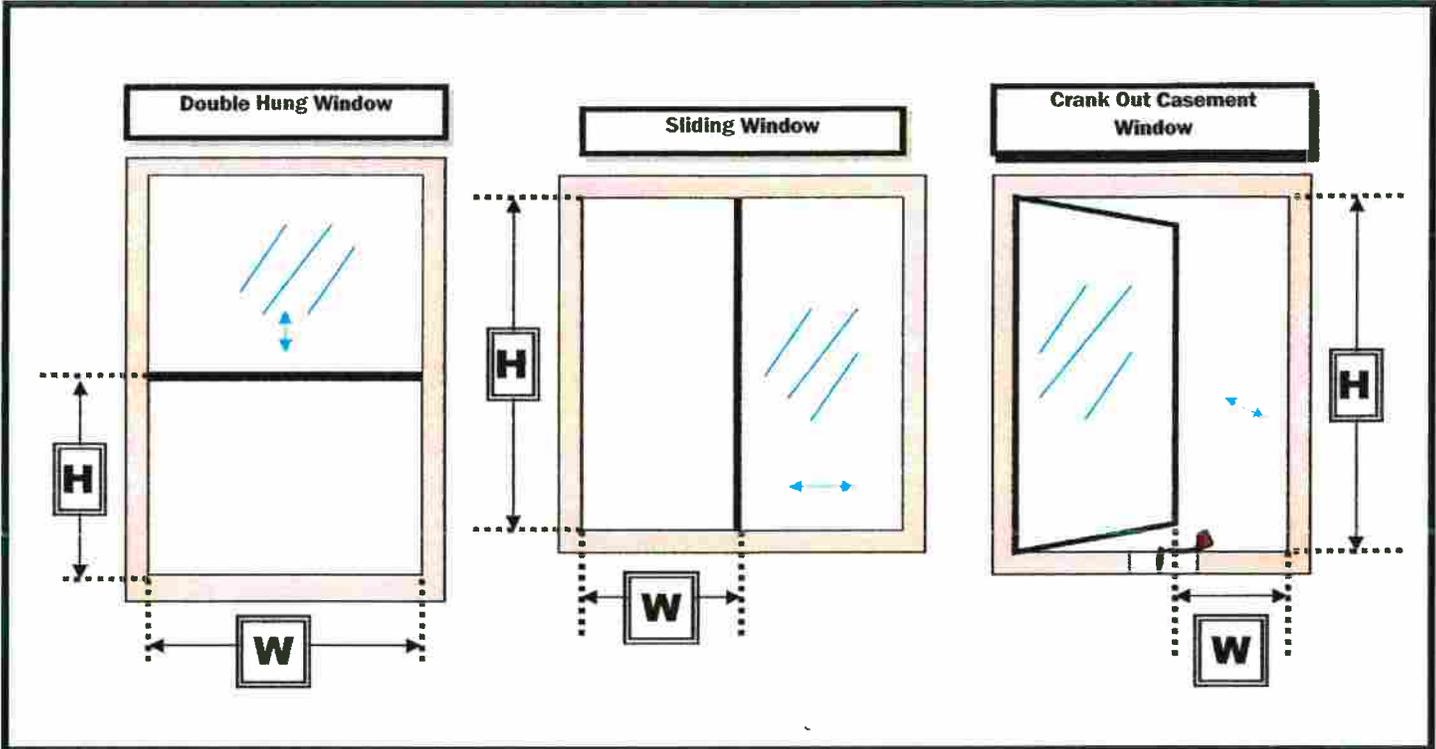
Selecting a new egress window doesn't need to be intimidating. Window manufacturers have many options and list the clear opening of their windows in their catalogs, and whether they meet egress requirements.

Use the worksheet on the back of this sheet to determine whether your window meets the requirements for second means of escape.

Additional Information on back

Secondary Means of Escape Window Worksheet

Definition of Living Area (NFPA 101:3.3.21.5) Any normally occupiable space in a residential occupancy, other than sleeping rooms or rooms that are intended for combination sleeping/living, bathrooms, toilet compartments, kitchens, closets, halls, storage or utility spaces, and similar areas.



1. Measure the openable height [H] _____ " Is the clear openable height at least 24" ? Yes [] No []
2. Measure the openable width [W] _____ " Is the clear openable width at least 20" ? Yes [] No []
3. Check opening area [H] _____ X [W] _____ = _____ / 144 = _____ sq ft
4. Measure from the lower sill to finished floor _____ " Is the it 44' or less ? Yes [] No []
5. Measure from the sill to outside ground level _____ " Is the it 20 feet or less ? Yes [] No []

Location	Height	X	Width	=	Total square in.	Meets requirements Y/N
Bedroom #1						
Bedroom #2						
Bedroom #3						
Bedroom #4						
Living Area						
Family Room						
Other Room 1						
Other Room2						
Basement Room						

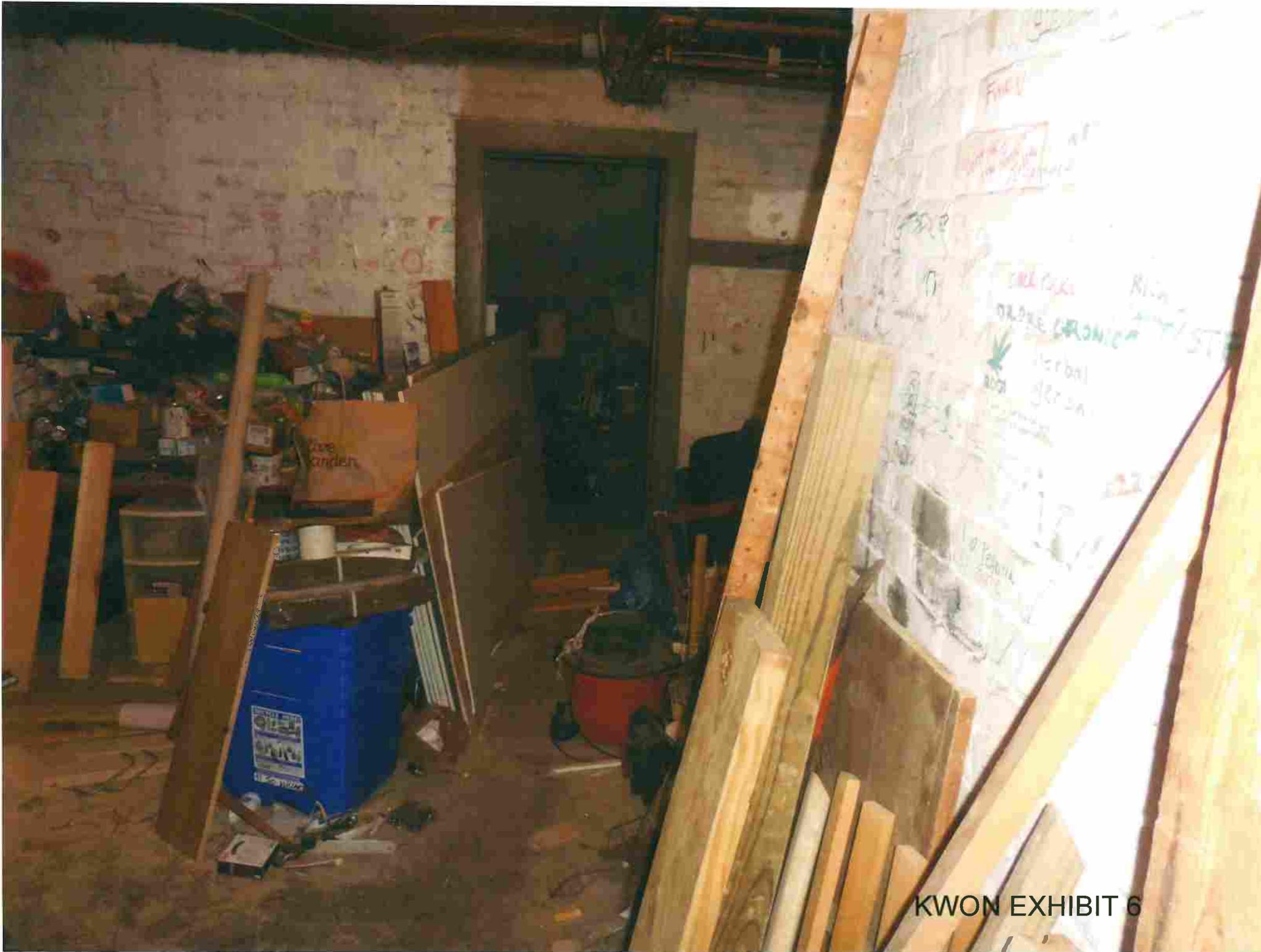
41 South Willard



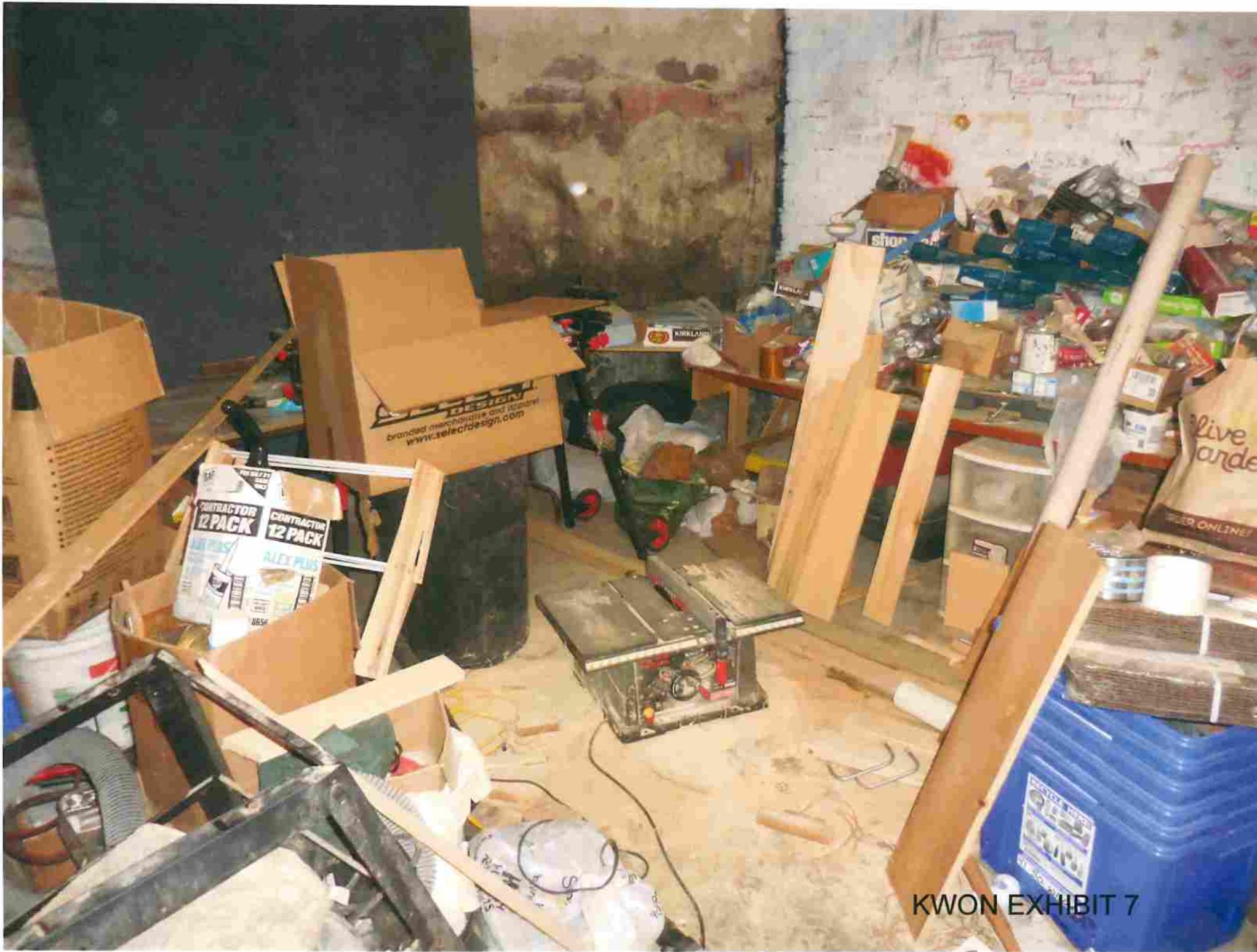
KWON EXHIBIT 4



KWON EXHIBIT 5



KWON EXHIBIT 6



KWON EXHIBIT 7



KWON EXHIBIT 8

ACME GLASS CO., INC.
 26 PEARL ST
 BURLINGTON, VT 05401

Voice: 802-658-1400
 Fax: 802-658-9107

SALES ORDER

Sales Order Number: 12317
 Sales Order Date: Feb 17, 2016
 Ship By: Feb 17, 2016
 Page: 1

E MAIL soonkkwon@gmail.com
 PHONE 802-578-0457

To:
 KWON SOON
 P.O. BOX 9492
 BURLINGTON, VT 05407-9492

Ship To:
 41 S WILLARD
 BURLINGTON

Customer ID	PO Number	Sales Rep Name
KWON SOON		Jim Stafford
Customer Contact	Shipping Method	Payment Terms
	Install	Net 30 Days

Quantity	Line Item ID	Description	Unit Price	Amount
2.00	M	INTERSTATE CASEMENT WINDOW FOLDING OPERATOR HANDLE	44.49	88.98
1.00	ML	LABOR SERVICE CALL	38.00	38.00

Subtotal	126.98
Sales Tax	6.23
Freight	0.00
TOTAL ORDER AMOUNT	133.21

Kwon KWON EXHIBIT 9