Chapter 5

HEALTH AND SANITATION

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Sec. 5-1. Nuisances.

It shall be unlawful for any person to maintain a nuisance of any kind on his premises. The existence of such a nuisance upon the premises of any person shall be prima facie evidence of such violation.

Buildings and structures condemned by the health, fire or building officials shall constitute a nuisance and shall be repaired or removed from the property at the expense of the owner.

Abandoned buildings and structures which have been allowed to deteriorate to the point that they are a fire hazard, unsafe or endanger the public health of neighboring residents of the town, or cannot adequately serve the function for which they were constructed, also constitute a nuisance and shall be repaired or removed from the property at the expense of the owner.

To complete the abatement of the nuisances described above, the mayor shall:

(1) Inform the owner of the building or structure in writing of the existence of the nuisance and request that the owner repair of remove the structure within ninety (90) days subsequent to notification.

(2) In the event the property owner fails to satisfactorily undertake the repair or removal of the building or structure within the ninety-day time frame, the mayor shall advertise for bid invitations to demolish and remove the building or structure from the property.

(3) If no bids are forthcoming or the bids received are unacceptable the mayor may, if feasible, use he assist of the town work force to demolish and remove the building or structure from the property.

(4) Advise the council, the town attorney, the contractor and the property owner of the awarding of the bid or intent to utilize town assets to demolish a building or structure from the property.

(5) Send a "notice of proceed" to the contractor or to the town work force so that work may be commenced.

(6) Conduct appropriate inspections of the work to ensure proper accomplishment before the contractor is paid and released. In the event the demolition is completed by the town work force the same inspection procedures shall be applicable.

(7) Upon completion of the demolition he mayor shall forward to the treasurer a letter authorizing payment of the contractor.

(8) The town treasurer, upon receipt of the letter authorizing payment, shall charge and collect from the owner of the demolished building or structure all costs resulting from the demolition of the building or structure the same as taxes and levies are collected. Every charge authorized by this section, with which the owner of such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

(9) The Town shall have the right to proceed with any proper legal proceedings to enforce its lien against the landowner, the property or any other assets of the landowner. All costs of such legal proceedings, including reasonable attorney's fees, shall be assessed as additional costs to the landowner and collected accordingly.

Sec. 5-2. Sanitary Closets.

No person shall have on his premises a sanitary closet which does not comply with the specifications of the State Board of Health.

Sec. 5-3. Sinks and cesspools.

Any person wishing to establish a sink or cesspool on their premises in the town for wastewater shall first be required to make application in writing to the town council for a permit to do the same. When such permit is granted, the work shall be done under the supervision, direction and approval of the Mayor and in accordance with the published requirements of the State Board of Health.

Sec. 5-4. Disposition of wastewater.

It shall be unlawful for any person to discharge wastewater into the gutters or side drains of streets. Such wastewater shall be discharged into sewers where available or into properly constructed septic tanks for the property in question. Violation of this section shall be punishable by denying water service after ten days' notice from the Mayor to such violator or by a fine of not less than one dollar nor more than twenty dollars for each day such violation continues.

Sec. 5-5. Wells and springs

Any person who willfully or negligently pollutes any spring or well belonging to another, shall be fined not less than one dollar nor more than two hundred and fifty dollars.

Sec. 5-6. Streams to be kept clean.

If upon any ground in the town there be found a stream, drain or other running water, the owner thereof or abutting property owner, shall keep the same clean, free and unobstructed from filth, reuse, garbage or vegetation.

Sec. 5-7. Stagnant water and marshes to be drained, etc.

If stagnant water or a marshy place shall be found upon any premises in the town or within the police jurisdiction thereof, the owner thereof shall be required to drain such stagnant water, or drain or fill such marsh within thirty days after notification by the mayor, or if impracticable to fill or drain, such practicable measures shall be taken as may be suggested by the mayor to abate the breeding or disease-bearing insects.

Sec. 5-8. Correction by town of condition in violation of two preceding sections.

Upon failure of the owner to comply with the two preceding sections, the mayor may have such stream, drain, running or stagnant water or marshy place cleaned, drained, filled or treated at the expense of the town, and may collect the expense of so doing from the owner or occupants of the property in like manner as taxes are collected together with twenty percent on such amount as fine.

Sec. 5-9. Ditches and gutters to be kept open.

Reserved.

ARTICLE II. GARBAGE, TRASH, ETC.

Sec. 5-10. Disposition of garbage, rubbish, etc., on streets or premises.

It shall be unlawful for any person to throw into the streets or sidewalks or on private premises any dead carcasses, rubbish, newspapers, handbills, dirt, filth, shavings, manure, offal, ashes, vegetables, fruit, fruit skins, broken glass, tacks, tin cans or any other articles or substances or things calculated to render the streets or premises unclean, unsightly or unsafe to any person or vehicle using he streets or liable to injuriously affect the health of the community. Any person found to have violated this article shall be subject to a fine of not less than twenty-five dollars nor more than five hundred dollars.

Sec. 5-11. Unkempt property – grass, weeds, shrubs, trees, and noxious vegetation.

The owners, renters, or lessees of vacant and/or developed property within the town (any property within the town limits that has been surveyed shall be considered developed property) shall cut any grass, weeds, brush, large debris, fallen trees or other uncultivated and untrimmed vegetation in excess of twelve (12) inches in height on such property or any part thereof at such time or times as the council shall prescribe. Providing the council deems it necessary, the mayor, after giving reasonable notice to the appropriate owners, renters or lessees of said property, shall have such grass, weeds or other foreign growth removed by the town work force at the current rate established by the council, in which event the cost and expenses thereof shall be chargeable to and paid by the owners, renters or lessees of such property and may be collected by the town the same as taxes and levies are collected.

Further, the owners, renters or lessees of vacant and/or developed property shall not permit to grow or continue to remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon. It is the responsibility of the owners, renters or lessees to correct the conditions stated above and to remove and dispose of such vegetation in such a manner as to eliminate littering and potential fire hazard. Providing the council deems it necessary, the mayor, after giving reasonable notice to the owners,

renters or lessees or said property, shall have such hazards removed by the town work force at the current rate established by the council, in which event the costs and expenses thereof shall be chargeable to and paid by owners, renters or lessees of such property and may be collected by the town the same as taxes and levies are collected.

Every charge authorized by this section, with which the owner of such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

The town shall have the right to proceed with any proper legal proceedings to enforce its lien against the landowner, the property or any other assets of the landowner. All costs of such legal proceedings, including reasonable attorney's fees, shall be assessed as additional costs to the landowner and collected accordingly.

The town may grant a waiver of this section upon good cause shown.

Sec. 5-12. Collection days.

Garbage, ashes and trash shall be collected in such areas of the town and upon such days as may be directed by the Mayor.

Sec. 5-13. Ashes.

Ashes shall be placed in separate cans, boxes or barrels holding not over thirty gallons.

Sec. 5-14. Watertight cans required for kitchen garbage.

Kitchen garbage shall be placed in a watertight can, with a close-fitting cover, holding not over twenty gallons. Garbage shall be drained of moisture before being put in the can. House sweepings may be put with garbage.

Sec. 5-15. Tree cuttings and rejected building materials.

Tree cuttings or rejected building materials must be disposed of by the owner. These shall not be put out for collection.

Sec, 5-16. Placing receptacles for collection.

Receptacles for garbage, ashes or trashed must be placed in accessible places on the day of collection before 7:00 a.m. or after 7:00 p.m., the night before. Garbage, ashes and trash shall not be set out after the truck has passed.

Sec. 5-17. Paper and light trash.

Paper and light trash shall be covered or weighted to keep it from being blown about by the wind.

Sec. 5-18. Penalty for violation of article: evidence of violation.

Any person violating any of the provisions of this article shall be subject to a fine of not less than one dollar nor more than ten dollars. The existence of any condition in violation of this article upon the premises of any person shall be prim facie evidence of such violation.