

Title 8HEALTH AND SAFETYChapters:

<u>8.04</u>	<u>Board of Health</u>
<u>8.08</u>	<u>Fire Control Regulations</u>
<u>8.12</u>	<u>Garbage Collection and Disposal</u>
<u>8.16</u>	<u>Nuisances</u>
<u>8.20</u>	<u>Weeds</u>

Chapter 8.04BOARD OF HEALTHSections:

8.04.010	Creation and duties.
8.04.020	Powers and right of entry.
8.04.030	Removal of putrid meat.
8.04.040	Town marshal--Enforcement of orders.
8.04.050	Sanitary inspector--Appointed by mayor.
8.04.060	Sanitary inspector--Duties.
8.04.070	Violation--Penalty.

8.04.010 Creation and duties. The mayor, two members of the town council and a sanitary inspector, shall constitute the board of health. The board's duty shall be to inquire into and examine all nuisances, sources of filth and causes of disease which they may deem dangerous to the public health. The board of health shall have the power to order the removal of all such nuisances, sources of filth and causes of disease. (Prior code §10-1)

8.04.020 Powers and right of entry. A. The board of health or its authorized officer or employee is authorized to enter any building or premises for the purpose of making an inspection to examine any reported or suspected nuisance, cause of disease or unsanitary condition; he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the manner provided in subsection B of this section, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.

B. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry.

C. This section shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this section. Notwithstanding any other ordinance of this town, whether heretofore or hereafter adopted, it shall not be a violation of ordinance to refuse or fail to consent to an entry for inspection.

D. The board may order or direct the cleansing of any building, cellar, yard, enclosure or lot, with the consent of the property owner or the person in possession; or lacking such consent, the board may take such steps as are necessary to initiate criminal or civil proceedings to abate the nuisance which is deemed to be present on the property. (Ord. 134, 1993: prior code §10-2)

8.04.030 Removal of putrid meat. Whenever any putrid or unsound beef, pork, fish, hides or skins of any kind, or any putrid or unsound substances shall be found in any part of the town, it is the duty of the board of health to cause the same to be destroyed, removed or disposed of in such manner as the board of health may require. (Prior code §10-3)

8.04.040 Town marshal--Enforcement of orders. It is the duty of the town marshal, after being notified by the board of health that an order has been made by the board as provided by this chapter, to see that such order is duly enforced. In case of refusal or neglect on the part of any person or persons to comply with and obey the order of the board of health, the town marshal shall enter proceedings in the name of the town before the municipal judge of the town against the person or persons violating this chapter. (Prior code §10-4)

8.04.050 Sanitary inspector--Appointed by mayor. A person to be known as the sanitary inspector shall be appointed by the mayor and confirmed by the town council. He shall hold office for the period of one year and shall receive the same salary as the town councilmen. (Prior code §10-5)

8.04.060 Sanitary inspector--Duties. It is the duty of the sanitary inspector to see that no filth is allowed to accumulate in or on any of the streets, alleys or lots, or in any building in the town. He shall serve a ten-day notice to abate upon all owners, agents or occupants of any property on which filth or unsanitary debris may accumulate. The sanitary inspector is authorized to enter any premises, buildings, or enclosures in the town for the purpose of making a thorough examination of the same, and shall make the necessary notice to the party or parties owning or occupying the same to prepare for such inspection. (Prior code §10-6)

8.04.070 Violation--Penalty. Any person refusing to comply with the order of the board of health, the sanitary inspector or the town marshal, shall be guilty of a misdemeanor, and upon conviction thereof, may be fined any sum less than one hundred dollars. If the unsanitary condition must be abated by town employees, the cost of such abatement shall be assessed against the violator in addition to the penalty imposed by this section. (Prior code §10-7)

### Chapter 8.08

#### FIRE CONTROL REGULATIONS

##### Sections:

- 8.08.010 Definitions.
- 8.08.020 Uniform Fire Code adopted.
- 8.08.030 Amendments.
- 8.08.040 Storage of flammable or combustible liquids.
- 8.08.050 Underground storage of gasoline or other inflammable liquids.
- 8.08.060 Storage of flammable or combustible liquid in outside aboveground tanks prohibited.
- 8.08.070 New bulk plants for flammable or combustible liquids prohibited.
- 8.08.080 Bulk storage of liquefied petroleum gases prohibited.
- 8.08.090 Storage of explosives and blasting agents prohibited.
- 8.08.100 New materials, processes or occupancies which may require permits.
- 8.08.110 Appeals.
- 8.08.120 Penalties--Continuing violations--Remedies.

8.08.010 Definitions. A. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the municipality.

B. Wherever the term "corporation counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the municipality. (Prior code §9-9)

8.08.020 Uniform Fire Code adopted. There is adopted by the town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials being particularly the 1973 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 8.08.030 of which code not less than three copies have been and are now filed in the office of the clerk of the municipality and the same are adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provision thereof shall be controlling within the limits of the municipality. (Prior code §9-10)

8.08.030 Amendments. The fire code adopted by Section 8.08.020 shall be as amended and changed by the governing body of the municipality. Copies of such amendments and changes shall be kept with the copies of the fire code filed with the clerk of the municipality and shall be available to the public for inspection at the same time and in the same manner as the fire code itself. (Prior code §9-11)

8.08.040 Storage of flammable or combustible liquids. All flammable liquids and gases, except propane and butane gases and liquids in excess of fifty gallons liquid capacity shall be stored underground with a three-foot cover. The storage of propane and butane liquids and gases above ground shall be in accordance with the fire code. (Ord. dated 3/13/90: prior code §9-13.1)

8.08.050 Underground storage of gasoline or other inflammable liquids. It is unlawful for any person, firm or corporation to have or keep more than fifty gallons of gasoline or other inflammable liquids on his premises at any one time unless the same is contained in an underground storage tank. Gasoline in amounts not to exceed fifty gallons, if stored above ground, shall be stored at least fifteen feet from any building. (Ord. dated 3/13/90: prior code §9-16.1)

8.08.060 Storage of flammable or combustible liquid in outside aboveground tanks prohibited. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited and the limits referred to in Section 15.601 of such code in which new bulk plants for flammable or combustible liquids are prohibited shall be as established by the governing body. Copies of such limits shall be kept with the copies of the fire code filed with the clerk of the town. (Ord. 132, 1993: prior code §9-13)

8.08.070 New bulk plants for flammable or combustible liquids prohibited. New bulk plants for flammable or combustible liquids shall be prohibited within the town limits. (Prior code §9-14)

8.08.080 Bulk storage of liquefied petroleum gases prohibited. Bulk storage of liquefied petroleum gases is prohibited within the town limits. (Prior code §9-15)

8.08.090 Storage of explosives and blasting agents prohibited. The storage of explosives and blasting agents is prohibited within the town limits. (Prior code §9-16)

8.08.100 New materials, processes or occupancies which may require permits. The fire chief shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in such code. The chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons in addition to placing copies of such list with the copies of the fire code filed with the town clerk. (Prior code §9-17)

8.08.110 Appeals. Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the governing body within thirty days from the date of the decision appealed. (Prior code §9-18)

8.08.120 Penalties--Continuing violations--Remedies.  
A. Any person who shall violate any of the provisions of the fire code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement

of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the town or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided by Section 1.16.010.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

B. Each day that the prohibited conditions are maintained shall constitute a separate offense.

C. The application of the above penalty shall not be held to prevent proceedings deemed necessary to restrain, correct or abate such violation. (Prior code §9-19)

## Chapter 8.12

### GARBAGE COLLECTION AND DISPOSAL

#### Sections:

- 8.12.010 Definitions.
- 8.12.020 Maintenance of premises generally.
- 8.12.030 Garbage containers--Design.
- 8.12.040 Garbage containers--Placement and securing.
- 8.12.050 Preparation of materials for collection--  
Tree limbs, branches and wood.
- 8.12.060 Accumulation of debris.
- 8.12.070 Removal--In general.
- 8.12.080 Annual clean-ups.

8.12.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Garbage" means wastes resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce; any other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to health.

"Refuse" means combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes. (Prior code §19-1)

8.12.020 Maintenance of premises generally. A. It is the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the municipality including places of business, dwelling houses, apartments, tenements, construction sites or other establishments, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended. Any such accumulation is declared to constitute a nuisance and a nonconforming use of the premises.

B. All such persons, where cooking or eating is done, shall provide and keep at their expense, at all times, garbage cans which are suitable for the purpose of holding all garbage and refuse without running over. (Prior code §19-2)

8.12.030 Garbage containers--Design. A. It is the duty of every owner, agent, lessee, tenant and occupant of every building, apartment, dwelling house and other type of building to provide and maintain in good order and sanitary condition one or more garbage cans or other type receptacles.

B. The container shall be constructed of fireproof material. The container shall be of any size or in units of any number to accommodate one week's deposit of ashes, garbage or refuse which would ordinarily accumulate at such building, apartment or residential unit. Each container must be provided with a tight fitting lid or screen that shall be reasonably secure against removal by high winds, animals or small children. The screen or lid may be ventilated, but must be constructed so garbage, ashes or refuse will not be scattered, or removed from the container by high winds or other foreseeable causes. The lid or screen must be placed on the container at all times.

C. No containers shall be allowed to overflow. (Prior code §19-3)

8.12.040 Garbage containers--Placement and securing. All garbage and refuse cans shall be fixed in a manner so that the receptacle is fastened securely in an upright position and cannot be upset or overturned by animals or high winds. (Prior code §19-4)

8.12.050 Preparation of materials for collection--Tree limbs, branches and wood. Tree limbs, branches and wood used in construction shall be cut to lengths not exceeding six feet, securely tied by wire or twine. (Prior code §19-5)

8.12.060 Accumulation of debris. Rock, stone, brick, concrete, dirt and other building materials or mineral waste shall not be permitted to accumulate in alleyways or at the curb. (Prior code §19-6)

8.12.070 Removal--In general. A. Any and all garbage and/or refuse shall be removed from the receptacles within a reasonable time, and the mayor and town council may further prescribe within what time such removal shall be made.

B. All garbage or refuse shall be removed from town within a reasonable time from and after accumulation by the owner or person in charge of the premises where the garbage or refuse is found and accumulated. (Ord. 144 (part), 1993: prior code §19-7)

8.12.080 Annual clean-ups. The mayor and town council may designate a time for an annual general spring clean-up. At that time all materials such as refuse, lawn rakings, plant waste, dirt, concrete, rocks, sod, building material and similar refuse, which regularly accumulates about a year, on residential or commercial premises, shall be deposited in a convenient place at or near the receptacle and the debris from the clean-up shall be immediately removed from town. (Ord. 144 (part), 1993: prior code §19-8)

## Chapter 8.16

### NUISANCES

#### Sections:

- 8.16.010 Definitions.
- 8.16.020 Power to declare nuisances.
- 8.16.030 Declaration of nuisance.
- 8.16.040 Abatement of nuisances--Expenses.
- 8.16.050 Violation--Penalty.

8.16.010 Definitions. A. Nuisance. Whatever is dangerous to human life or health, and whatever renders soils, air, water or food impure or unwholesome are declared to be nuisances and to be illegal. It shall be unlawful for any person, either as owner, agent or occupant to create or aid in creating or contributing to or maintaining a nuisance.

B. Author of Nuisance. Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent,



the tenant or his agent, and all other persons having control of the property on which the nuisance exists shall be deemed to be the authors of nuisance and shall be equally liable. Where any nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors of nuisance. (Prior code §14-1)

8.16.020 Power to declare nuisances. It is the duty of the town marshal and such other officers as may be directed by the town council or mayor to ascertain and cause all nuisances to be abated. Each and all of the officers shall have the power during the daylight hours, to enter any store, house, stable or any buildings, and to cause the floor to be raised if he or they shall deem it necessary in order to give a thorough examination of cellars, vaults, sinks or drains; to enter upon all lots or grounds and to cause all stagnant water to be drained off, filled up or otherwise improved; to cause all privies to be removed and to call all dead animals and other nauseous substances to be removed to the town landfill, there to be buried. (Prior code §14-2)

8.16.030 Declaration of nuisance. The following are declared to be nuisances:

- A. To befoul water in any spring, stream, well or water source supplying water for domestic purposes;
- B. To use or allow any privy vault or cesspool to remain unfilled on the premises;
- C. To permit the accumulation of manure in any stable, stall, corral, yard, etc., in which any animal shall be kept;
- D. To permit any waste, damaged merchandise, leaking barrels, casks or boxes to become putrid or to render the atmosphere impure or unwholesome, or to constitute a harborage for rodents, flies or disease-bearing organisms;
- E. To discharge or place any offensive water, liquid, waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse or vacant lot;
- F. To permit to be kept or collected any stale or putrid grease or other offensive matter;
- G. To have or permit upon any premises any fly-producing conditions;
- H. To fail to keep alleyways clean and free from rubbish of all kinds;
- I. To obstruct the streets or sidewalks without the permission of the town council;

J. To conduct bawdy or other disorderly houses, houses of ill fame, assignation houses or houses kept by, maintained for or resorted to or used by one or more females for lewdness or prostitution or houses where intoxicating liquors are sold, served, bartered, kept, stored, given away or used in violation of law;

K. To sponsor or provide any device used in connection with wagering or gambling, or to contribute in any form to wagering or gambling. (Prior code §14-4)

8.16.040 Abatement of nuisances--Expenses. A. It is the duty of the town marshal, or such other officer as may be designated by the town council or mayor, to serve a written notice upon any author of nuisance requiring him to abate the same in such manner as the officer serving such notice shall prescribe. The abatement shall be made within a reasonable time; provided, that it shall be necessary in any case for such officer to specify in his notice the manner in which the nuisance shall be abated. If such author of nuisance shall refuse to comply with the requirements of the notice and order within the time specified, he shall be subject to a penalty for the commission of a separate misdemeanor for each day that the nuisance continues after the expiration of the allotted time. Whenever the author of nuisance cannot be located or is unknown, the officer shall proceed to abate the nuisance without notice.

B. Where the expenses of removing a nuisance cannot be made chargeable to real estate or to the owner of real estate, notice may be given to the author of the nuisance to abate the same in the manner required. In case of his neglect or refusal so to do, it is the duty of the officer serving the notice to cause the nuisance to be abated, and to report the expense to the town council, who may proceed to collect the costs from the author of the nuisance. (Prior code §14-3)

8.16.050 Violation--Penalty. Any person, firm or corporation maintaining a nuisance, and upon notice to abate the same as prescribed herein, shall fail to abate the nuisance within the prescribed time, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars for each day said nuisance shall continue. (Prior code §14-5)

Chapter 8.20WEEDSSections:

- 8.20.010 Removal--Required.
- 8.20.020 Refusal to comply--Notice.
- 8.20.030 Removal by town--Cost--Lien against property.
- 8.20.040 Violation--Penalty.

8.20.010 Removal--Required. It is the duty of any owner, occupant or agent, having control of any lot or premises, to mow or otherwise destroy and remove weeds that may grow upon such lot or premises, as well as upon any space between such property and the street and upon that portion to the centerline of any alley adjoining such premises. (Ord. 190, 1998: Ord. dated 6/11/91: prior code §19-18)

8.20.020 Refusal to comply--Notice. It is the duty of the officer appointed by the governing body to require compliance with this chapter. The owner, agent or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his care and control, he shall be served with verbal or written notice requiring removal of such weeds within three days from the receipt of such notice. (Prior code §19-19)

8.20.030 Removal by town--Cost--Lien against property. Upon failure to comply with any notice given pursuant to Section 8.20.020, the town may have such weeds destroyed and removed, charging the cost thereof as a special bill for refuse removal. Should such bill not be paid promptly, the same shall become a lien against such property and collectible as such. (Prior code §19-20)

8.20.040 Violation--Penalty. Any person responsible for such failure to comply with provisions of this chapter shall be punished as provided in Section 1.16.010 for each offense. Each time weeds on such premises require destruction and removal but are not shall constitute a separate offense. (Prior code §19-21)