

## HEALTH AND SANITARY REGULATIONS

**Section I. Title/Purpose.** This Ordinance is entitled "Health and Sanitary Regulation Ordinance." The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating health and sanitary regulations in the Town of Shelby.

**Section II. Adoption of Ordinance.** The Town Board of the Town of Shelby hereby adopts the following:

A. Nuisances.

1. Definition. A "nuisance" under this section is any source of filth or likely cause of injury or illness.

2. Abatement of Nuisance.

a. It shall be the duty of a Town official to enter upon any premises to ascertain any nuisance that may exist and to examine into the condition and the number of persons inhabiting such premises, and to inspect the cellars, cesspools and drains of such premises, and to order the removal of families or persons from buildings or houses which are not for human habitation, and to order the abatement and removal of any nuisance in any house, building or premises.

b. Whenever any health nuisance or source of filth shall be found on private property, the Town official shall order the occupant or owner thereof to remove or abate the same at their own expense within ten (10) days after having received notice from such Town official.

c. In the event the owner or occupant shall fail to remove or abate the nuisance at their own expense as provided above, the same shall be abated under the direction of the Town Board, and the cost of such abatement or removal of such nuisance may be collected from the owner or occupant or person causing, permitting or maintaining the nuisance, or

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may be charged against the premises, and upon certificate of the Town Board, assessed against the premises as are other special taxes.

3. It shall be unlawful for any person to conduct any business or occupation that generates unwholesome, offensive or deleterious odors, gas, smoke or exhalation, or that is detrimental to life, health, sight or comfort of residents living in surrounding territory.

4. It shall be unlawful for any person to throw or place, or through negligence to cause or suffer to be placed or thrown in or upon any street, alley, sidewalk or other public place, or into the yards or upon the porches or steps of any building, any litter.

5. All buildings, places and premises shall continuously be kept by the owner or person in charge thereof, or by the occupant, in a clean and sanitary condition so as to be free from litter and other debris, and all buildings, structures and premises that are infested with litter and other debris are hereby declared public nuisances. No person shall permit buildings or ground to accumulate junk, waste and debris.

### B. Rubbish, Refuse or Waste Materials.

1. **Unlawful Accumulation.** No person shall deposit or cause to be deposited in or on any public street, water or grounds, or in any other place, any dead animal, rubbish, refuse, dirt, junk, garbage, filth, offal, or any substance that will tend to contaminate the area, or to create a strong odor or nuisance, or to endanger public health or safety. This section shall not apply to the deposit on the person's own premises of rubbish or garbage in approved containers pursuant to Ordinance 7.06.

2. *Drains and Septic Systems.* No person shall permit any drain, overflow, septic tank or drywell from any building, shop, dwelling, pool or other structure to empty or run into or upon any open sewer, gutter, street, alley or walk.

**Section III. Enforcement and Penalties.** Any person who violates, disobeys, or refuses to comply with, or who resists the enforcement of any provisions of this Ordinance shall, upon conviction, be subject to a forfeiture of One Hundred Dollars (\$100.00) for each such offense, each day of such violation constituting a separate offense.

**Section IV. Severability.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section VI. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

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Lynnetta P. Kopp, Town Chair

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Randall R. Knapp, Town Supervisor

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John O. Zahn, Town Supervisor

ATTEST:

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Catherine Brott, Town Clerk