Chapter 11

Health and Sanitation

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Article I, Refuse Collection

Sec. 11.1. Responsibility for Refuse Removal

Commercial and industrial plants are responsible for arranging contractual services for refuse removal. Refuse removal is provided for town residents through contracted services. Should any commercial or residential property produce more than 90 gallons of refuse per week, said property shall provide for pick up by independent contractor.

Sec. 11.2. Definitions

For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in present tense include the future, words in the plural number include singular number. The word shall is always mandatory and not merely directory.

The following definitions shall apply in the interpretation and the enforcement of this article:

Ashes means that refuse from fires which has been wetted and cooled to the touch prior to collection.

Building Materials means any material such as lumber, brick, plaster, gutters or other substance accumulated as a result of repairs or additions to existing building, construction of new building or demolition of existing structures.

Central Business District means sections of Town set aside for predominately commercial establishments.

Commercial Establishment means any retail, wholesale, institutional, religious, hotel, governmental or other non-residential establishment at which garbage or trash may be generated.

Commercial Waste means garbage, rubbish, ashes and other refuse, resulting from institutions and commercial concerns such as hotels, stores, etc.

Garbage means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odor, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

Hazardous Refuse means material such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

Household Trash means waste accumulation of paper, sweeping, dust, rags, bottles, ashes, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste is solid waste resulting from industrial process of manufacturing operation.

Litter means garbage, refuse, waste materials, or any other discarded, used or unconsumed substance which is not handled as specified herein.

Multiple Family Dwelling means any dwelling place occupied by more than one family.

Person means any individual, firm, company, corporation or association.

Refuse is a collective term which encompasses all of the solid wastes for the community.

Restaurant A facility serving meals, either for on-premise consumption or for carry-out.

Single Family Dwelling means any dwelling place occupied by one family.

Small Dead Animals means cats, dogs, small household pets, and other animals of similar size.

Special Waste means all waste collected in bulk container from industry and also that refuse resulting from either a commercial, industrial, or manufacturing operation which requires special handling such as sawdust, steel spring or other materials.

Town means the Town of Swansea.

Sec. 11.3. Building Materials, Etc.

Every contractor, carpenter or builder or the property owner, after completing or during the construction or alteration must dispose of materials at his own expense.

Sec. 11.4. Penalty for Violation.

Any person firm or corporation charged with a violation of any section or provision of this ordinance shall upon conviction be fined not more than one hundred dollars ($100.) or imprisoned not to exceed thirty (30) days or both.

Sec. 11.5. Administration and Enforcement.

The administration and enforcement of the provisions of this ordinance shall be the responsibility of the town administrator and the town council.

This ordinance shall become effective upon adoption. It further is the intention of the mayor and council that the provisions of this ordinance shall become and be part of the Code of the Town, and the sections, articles, and chapters of the code may be renumbered to accomplish that intent.

Article II, Nuisances

Sec. 11.10. Real Property to Be Kept Clean, Free of Conditions Constituting Public Nuisance.

The Council finds as a fact that there exists from time to time within the Town conditions upon some premises which are a menace to public health, safety and welfare, and which constitute a public nuisance, such conditions arising among other things from: accumulation of water resulting in the breeding of mosquitoes and other pests; accumulation of organic waste of animals; the growth of tall weeds, grasses and brush which is unsightly, harbors pests and increases the hazard of fire; the presence of dilapidated and abandoned shacks and other buildings which are unsightly and imperil the health and safety of children and others going upon the premises; buildings having no provision which is suitable for the discharge of sewage and other organic filth; storage of junk, refuse and other discarded material; partially damaged or destroyed buildings; and occupied and vacant lots upon which building materials, glass, wood, discarded and unused products or machinery, junk or other matter or debris which is unsightly or detrimental to public health, sanitation or safety is allowed to accumulate. It is to the interest of the entire Town that such conditions should not be permitted to exist, and the owner of any lot or real property in the Town shall keep such lot or real property clean and free of such conditions as are set forth above.

Sec. 11.11. Town Administrator to Report to Council on Certain Conditions.

The town administrator is hereby directed from time to time to make a report to the council of conditions described in section 11-10, as found by him/her with a particular description of the premises involved, and the name and address of the owner of such premises.

Sec. 11.12. Hearing by Council; Notice, Conduct of Hearing.

Upon receipt of such report under this article by the council, it shall direct the clerk-treasurer to address a notice to the owner of such premises, particularly describing the conditions enumerated in the report of the Town Administrator, and directing that the owner shall appear before the council on a date to be stated in the notice and show cause, if he/she may have any, why the conditions enumerated should not be corrected, unless the conditions referred to have been corrected prior to such date. At the hearing, the owner may also present evidence establishing or tending to establish that the conclusions of the Town Administrator are in any respect erroneous.

Sec. 11.13 Confirmation or Rejection of Report After Opportunity for Hearing.

After the hearing provided for in section 11-12 or the opportunity of such hearing, if the owner shall not appear, the council may by resolution confirm or reject the findings of the town administrator in whole or in part.

Sec. 11.14. Notice to Owner to Remove Certain Conditions from Premises; Authority of Town upon Failure of Owner.

If the council shall confirm the findings of the Town administrator, it shall issue its further notice, to be signed by the clerk-treasurer, giving to the owner the conclusions of the council and directing that the owner take appropriate steps, particularly set forth, to remove, relieve or abate the conditions thus found to exist within a period of ten days from the date of giving of such notice. If the owner does not correct the condition as required, the council may direct the code enforcement officer to enter upon the premises, and through the use of town employees or the employment of outside personnel, to remove, relieve or abate such conditions at the expense of the owner. Upon proper showing by the owner that additional time is required to correct the conditions on the premises, the council may permit such additional time to correct the conditions as it deems appropriate and reasonable.

Sec. 11.15. Costs Constitute Lien.

The expense or cost to the Town of removing, relieving or abating such conditions as provided for in Sec. 11.34 shall become a lien upon the real estate upon which such conditions existed and shall be collected in the same manner as municipal taxes.

Sec. 11.16. Service of Notices.

The notices referred to in this article must be given in writing and may be delivered personally to the owner or may be given by registered mail. Time shall begin to run from the delivery of the notice personally or, when mailed, from the date of mailing. In cases where the owner is not in possession and his address, upon reasonable inquiry, cannot be learned, the notice may be given to the person in possession. If notice is not picked up by the addressee, it is subject to being served by law enforcement personnel.

Sec. 11.17. Interfering with Town Officers.

It shall be unlawful for any person to interfere with the Town administrator, or anyone designated by him, in carrying out the directives of the council under Sec. 11.14 to remove, relieve or abate the conditions found to exist under this article when the owner has failed to do so.

Sec. 11.18. Unlawful for Owners of Real Property to Fail to Keep Property Clean, Free of Conditions Constituting Public Nuisance.

It shall be unlawful for any owner of real property located within the town to fail to keep their property clean and free of conditions set forth in section 11.10 which constitute a public nuisance. Any person found guilty of violating this section shall be guilty of a criminal offense and punished under Sec. 14.5 of the code.

Sec. 11.19 Open Burning

No burning of leaves, brush, limbs, paper, boards or tires are allowed within the Town of Swansea.

Sec. 11.20 Ordinances in Conflict and Effective Date

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed