

PUBLIC HEALTH

CHAPTER 11

Section 11.1 It shall be the duty of the Code Enforcement Officer to be the Health Officer of the City of Somersworth with the power to make regulations for the prevention and removal of nuisances and such other regulations relating to the public health as in his/her judgment and the health and safety of the people require, which shall take effect when approved by the Board of Health, recorded by the Clerk and published in some newspaper printed in the City and when copies therefore have been posted in two or more public places in the City. The Health Officer shall have all such other powers as allowed by him/her by New Hampshire RSA 147:1.

Section 11.2 That the Board of Health for the City of Somersworth shall constitute a committee of three, constituting City Councilors and/or Mayor.

Section 11.3 That the term "Sanitary Officer" wherever it does appear in said Chapter 11 shall be deleted and replaced by the term "Health Officer".
(Sections 11.1, 11.2 and 11.3 passed 01/03/1995.)

Section 11.4 The Health Officer shall thoroughly acquaint himself with the sanitary laws and regulations prescribed by the State and City Ordinances.

Section 11.5 He shall investigate all complaints relating to nuisances that may be brought to his attention, serve all orders and notices issued by the Board, and enforce all rules and regulations or other conditions affecting the health and comfort of the public. He shall secure the abatement within a reasonable time of all nuisances, bury all putrid meat, or dead animals, and attend to fumigation in all cases of diseases, as required by law, including the fumigating of public buildings, without expense to the City. In case he shall be unable to act as the executive officer of the board, through sickness or other good cause, the board may elect a suitable person to act temporarily in his stead, and such person, while so acting, shall possess all the authority and receive the same compensation which the Health Officer would otherwise receive under the provisions of these ordinances. He shall secure the abatement, within a reasonable time, of all nuisances found, and shall give advice and make such recommendations to householders and others as he may deem necessary to secure good sanitary conditions. During weekends and other times in which the Health Officer is off

duty, any member of the Somersworth Police Department is hereby authorized and delegated the authority to enforce violations to this Ordinance as temporary Health Officer. (Passed 01/03/1995.)

Section 11.6 The Board of Health shall meet at such times and places as it may deem necessary, for the consideration of matters relating to the public health; and they shall investigate and advise in all cases referred to them for such purpose by the Health Officer, and shall direct him in such cases.

Section 11.7 They shall make such rules and regulations for the prevention and removal of nuisances, for the control and restriction of infectious and contagious diseases, and such other regulations relating to the public health, as, in their judgment the health and safety of the people may require, which shall take effect when approved by the City Council, recorded by the City Clerk, and copies thereof printed and circulated among the citizens or published in some newspaper of the City.

Section 11.8 They shall prescribe a blank form upon which the Health Officer shall enter a complete record of all his inspections, of all complaints made to him or the board, of all orders issued, of all notices served and all nuisances abated. Such record shall be submitted to the Board of Health whenever called for, and at the end of each fiscal year shall be placed in the hands of the City Clerk.

Section 11.9 The Board of Health shall provide itself with such blanks and record books, at the expense of the City, as are necessary, and shall promptly, at the close of each financial year, make a report in writing to the City Council of all complaints made to them and the cause of the same, of so much of the vital statistics as is necessary, of the cause of death as far as possible and of such other sanitary information as may be called for by the City Council, together with such suggestions pertaining to the public health as the Board shall deem expedient to present.

Section 11.10 All petitions for the cleansing, removing or abatement of any nuisance shall be made to the Board of Health, or to the Health Officer, or to any one of them, and may be made verbally or in writing, but must state distinctly the character of such nuisance, the premises where situated, and the reason for its removal or abatement; but should it become necessary to institute legal proceedings against the party or parties complained of, the complainants shall, before such proceedings are instituted, file a complaint in writing with the Board.

Section 11.11 Whatever may endanger human life or be prejudicial to public health shall be deemed a nuisance.

Section 11.12 Refuse matter around a dwelling house, hotel, restaurant or other place of business, such as swill, waste of meat, fish or shell bones, decaying vegetables, dead carcasses, excrement or any kind of offal that may decompose and generate unhealthful gases, is considered and declared a nuisance, and must be removed or disposed of in such manner that it may not be offensive to the neighborhood.

Section 11.13 No person shall place or leave, or cause to be placed or left, in or near any highway, street, alley or public place, or in any private lot or enclosure, or in any body of water where the current will not remove the same, any rubbish, hay, straw, oyster, clam or lobster shells, tin cans, decayed fruit or vegetable matter whatsoever, not keep in or about any dwelling house, barn, shed, store, shop or cellar, any of the aforesaid substances, in any manner liable to become putrid or offensive, or injurious to the public health. This section shall not prohibit composting of vegetative and fruit matter in a neat and orderly pile or compost bin which is not causing undue odor. The City of Somersworth and its Board of Health does encourage the composting of fruit and vegetative matter to reduce landfill and waste disposal costs.

(Passed 01/03/1995.)

Section 11.14 No person or persons shall permit any cellar vault, private drain, cesspool, sink, privy, sewer or other place upon any premises or grounds belonging to or occupied by him or them, to become offensive or injurious to the public health.

Section 11.15 No owner or occupant, or any person having control or charge of any lot, tenement, premises, or building, or other place, shall cause or permit any nuisance to be or remain in or upon said lot, tenement, building, or other place, or between the same and the center of any street, lane, or alley adjoining.

Section 11.16 No person shall permit any sink water, or other filthy water, to run, or stand on the surface of the ground, or in any cellar, or under any building, of which he may be the owner, tenant, lessee, or agent, having the charge thereof; but he shall cause all such water to be conveyed to a sewer, or to a cesspool, located in a place and constructed in a manner satisfactory to the Board of Health.

Section 11.17 No person, or persons, shall erect, maintain or use any pen or sty for swine, swill house, or building for rendering any offal, tainted or damaged lard, tallow or other putrid animal substances, or for the deposit

of green pelts or skins, without written permission from the Board of Health.

Section 11.18 Whenever any vault, privy, cesspool, or drain shall become offensive or obstructed, the same shall be cleaned and made free; and the owner, agent or other person having charge of the premises in which any vault, privy, cesspool, or drain is situated, the state or condition of which shall be in violation of the provisions of these ordinances, or either of them, shall remove, cleanse, alter, amend, or repair the same, within such reasonable time after notice in writing to that effect shall be given to either of them by the Board of Health, as shall be expressed in such notice. In case of neglect or refusal to do so, the Board of Health may cause the same to be removed, altered, amended, or repaired, as they may deem expedient, at the expense of the owner, agent, occupant, or other persons aforesaid.

Section 11.19 A notice served on an owner or agent of any property, or left at the private residence of the owner or agent of if after due research neither can be found, posted on the front door, wall or fence of such property, and a like notice sent to his last known post office address, shall be considered sufficient and ample notice.

Section 11.20 It shall be the duty of every physician, or other person attending upon a case involving a disease of a communicable nature which has been set down by the N.H. State Board of Health as reportable to the local authorities, including but not limited to smallpox, epidemic cholera, epidemic dysentery, diphtheria, scarlet fever, typhoid fever, measles, yellow fever and every householder, attendant, or agent, in whose house a case of any such disease occurs, immediately to report every such case to the Health Officer, or to the Board of Health, giving the number of the house, the street, or lane upon which it is situated, and the name of the occupant or occupants, with the name and age of the diseased person, if known; and the Board may take such action as it deems expedient to prevent the spread of such disease.

Section 11.21 When the owner of the building, vessel, or enclosure is unknown to Health Officers or does not reside in town, the same is unoccupied or the occupant is, in their opinion, unable to remove the same, they may, without previous notice, immediately cause the nuisance or other thing, to them deemed injurious to the public health found therein, to be removed or destroyed. RSA 147:6.

Section 11.22 The owner/occupant of a building, vessel, or enclosure shall be liable to pay the expenses for the removal and destruction of the nuisance or other thing, including the fees that a Health Officer who ordered or 11:5

caused the same to be removed; and the same may be recovered by action brought by the Health Officers in the name of the City. RSA 147:7.

Section 11.23 Any person neglecting or refusing to comply with the provisions herein shall be guilty of a violation for each day of neglect or refusal after notice as set forth above. In addition to civil remedies, any person, persons, company, or corporation who shall violate, or cause to be violated by agent or otherwise, any of the provisions of this Chapter or any of the Orders, Rules, and Regulations of the Board of Health who shall fail to comply with any requirements thereof by agent or otherwise, upon conviction before the District Court or other Court of competent jurisdiction, shall be fined not less than \$100.00. A second or subsequent offense may constitute a fine of not less than \$250.00.

Section 11.24 The City Council does find that the massive feeding of wild life, including birds, upon any public way, public park, sidewalks, or streets does endanger human life and may prejudice public health and shall be deemed a nuisance and may be punishable by a violation under this Chapter.

Section 11.25 The word "way" as defined herein, shall have that same definition as provided by New Hampshire RSA 259:125, and does specifically include parking lots which are maintained primarily for the benefit of paying customers.

(Sections 11.21 through 11.25 passed 01/03/1995.)

This ordinance shall take effect June 1, 1985, and all license fees collected prior to that date for licenses covering the period June 1, 1985 through May 31, 1986, shall be at the rates contained herein.

Passed April 1, 1985 Sections 11.23.1 through 11.23.14.

Amended August 22, 1988, Sections 11.23.1 through 11.23.14 deleted.

Amended January 3, 1995, Sections 11.1 through 11.3; Section 11.5; Section 11.13. Added Sections 11.22 through 11.26.

Deleted Sections 11.22A, 11.22B and 11.22C.

Amended February 21, 1995.

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