

Chapter 7

HEALTH, SANITATION, NUISANCES*

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ARTICLE I. IN GENERAL

Secs. 7-1—7-25. Reserved.

ARTICLE II. NUISANCES†

DIVISION 1. GENERALLY

Sec. 7-26. Public nuisance defined.

A public nuisance is hereby declared to be a thing, act, failure to act, occupation or use of property which shall:

- (1) Annoy, injure or endanger the safety, health, comfort or repose of the public;

*Cross references—Administration, Ch. 2; animals, Ch. 4; buildings and building regulations, Ch. 5; demolition or repair of unsafe or dangerous buildings or structures required, procedure, § 5-26 et seq.; inspections of unsafe, dangerous or fire-damaged buildings by the fire chief and/or the health officer or designees, § 5-30; fire prevention and protection, Ch. 6; inspection of building by fire chief or designee and determination of safety, § 6-56; sewer plumbers and drain layers license required, § 8-26 et seq.; streets, sidewalks and other public places, Ch. 10; subdivision, Ch. 11; traffic and vehicles, Ch. 12; utilities, Ch. 13; sewer use regulations, § 13-131; vehicles for hire, Ch. 14; zoning, Ch. 15; landfills, § 15-450; junkyards, § 15-451.

†Cross references—Definition of public nuisance by dogs, § 4-26; restraint and prevention of public nuisance by dogs required, § 4-28; certain dogs declared public nuisance, § 4-32; unsafe or dangerous buildings declared a public nuisance, § 5-28; streets, sidewalks and other public places, Ch. 10; placing ice or snow on to public way prohibited, removal required, § 10-1.

- (2) Offend the public morals and decency;
 - (3) Unlawfully interfere with, obstruct or tend to obstruct, or render dangerous for passage any public park, commons, street or highway;
 - (4) In any way render any number of persons insecure in life or in use of or damage to property.
- (Ord. of 5-4-55, art. 0, §§ 1-4)

Cross references—Definitions and rules of construction generally, § 1-2; streets, sidewalks and other public places, Ch. 10.

Sec. 7-27. Abatement of nuisances and penalty.

(a) If any complaint shall be made in writing alleging a violation of this article, it shall be the duty of the board of selectmen to investigate it or cause it to be investigated.

(b) After the finding of a nuisance by the board of selectmen, a notice shall be delivered by certified mail, return receipt requested, or by personal service upon any person who is maintaining a nuisance requiring him to abate such nuisance within a reasonable time to be fixed by the selectmen in such notice. Each day such nuisance shall be maintained shall constitute a separate offense and be punishable as such.

(c) If such nuisance is not abated within the time fixed in the notice, the board of selectmen shall cause such nuisance to be abated. Such person shall pay all the expenses of abating the nuisance.

(Ord. of 5-4-55, art. 6, §§ 1-3)

Sec. 7-28. Littering prohibited.

(a) The health, safety and welfare of the citizens of the town requires that highways, private and public lands be kept free from littering with rubbish, garbage, refuse and other noxious materials.

(b) A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobiles or parts thereof, refuse of whatever nature, or any noxious thing on lands of others or within three hundred (300) feet of the lands of others, public or

private, or into the waters of any stream or the banks in the town or on or within view of a public highway in the town.

(c) If the throwing, placing or depositing was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing or depositing was done by the driver of such motor vehicle.

(d) Nothing in this section shall be construed as affecting the lawful operation of an automobile graveyard or junkyard, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste. Sanitary landfills, recycling centers and incinerators and solid waste from mining, quarrying, farming operations or logging and sawmill operations are exempt from the restrictions set forth above concerning the distance of three hundred (300) feet and visibility from a public highway.

(Ord. No. 0-87-2, §§ I—IV, 7-13-87)

Cross references—Streets, sidewalks and other public places, Ch. 10; streets, § 10-26 et seq.; traffic and vehicles, Ch. 12; zoning, Ch. 15.

State law reference—Similar provision, 24 V.S.A. 2201.

Secs. 7-29—7-45. Reserved.

DIVISION 2. HEALTH NUISANCES

Sec. 7-46. Defined.

Whatever is dangerous to human life or health and whatever renders soil, food, water and drink unwholesome, are declared to be nuisances affecting health.

(Ord. of 5-4-55, art. 1, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 7-47. Prohibited.

No person shall:

- (1) Expose or offer for sale any decayed or unwholesome food;
- (2) Allow any diseased animals to run at large;
- (3) Allow any pond, pools of water or vessels holding stagnant water in which there is any obnoxious odor or in which