

## Chapter 19

### HEALTH AND GARBAGE

**Section 19.1.1 Appointment of Health Officer** Pursuant to NH RSA 128:1, The commissioner of the Department of Health and Human Services shall appoint as health officer for each town such person as the Selectmen of the Town recommend, and the Commissioner of the Department of Health and Human Services shall issue to the health officer a certificate of appointment; but, if no recommendation is made within 15 days after notice, the Commissioner may appoint a health officer without such recommendation.

**Section 19.1.2 Duties of Appointed Health Officer** The appointed Health Officer shall be responsible for investigating and maintaining all records and reports pertaining to any and all complaints regarding violations of NH RSA 147 *Public Health* and the provisions of Newport Town Ordinance *Chapter 19 Health and Garbage*.

**Section 19.1.3 Definitions** Any term used in this section shall have the express intent and meaning as defined by the Revised Statutes of New Hampshire unless otherwise herein stated.

**Section 19.1.4 Penalties** All reports of Health Violations pursuant to Chapter 147 of the Revised Statutes of New Hampshire and Chapter 19 of Newport's Town Ordinances shall be investigated and upon completion shall have a finding of "Unfounded" meaning no violation of the above listed law or ordinance was found or "founded" indicating that a violation of the above listed RSA and or Town Ordinance was sustained. First offense for a founded complaint may be subject to a civil penalty not to exceed \$100.00, if the violation is not corrected within 72 hrs. The violator may be subject to an additional \$250.00 fine every 24 hrs. With the total fine for any single violation or single course of conduct for any violation of this chapter shall not exceed \$1000.00, unless otherwise restricted by Statute. A second offense and any other subsequent violations of this chapter shall start with a \$250.00 civil penalty, with the total violation and/or single course of conduct not to exceed \$1000.00.

**Section 19.1.5 Appeals** any cited violation of this chapter may be appealed to the Newport Board of Selectmen, unless otherwise specified by NH state law.

**Section 19.2.1 Household Waste/Trash** all household waste/trash stored outside of an enclosed structure shall be contained by bag or container.

**Section 19.2.2 Trash/waste receptacles** all trash contained in bags shall not be permitted to be left outside of a container designed for the holding of trash for more than 12 hours. Bags of trash shall not be permitted to overflow from a container designed for the holding of trash for more than 24 hrs. Weekends and holidays excluded.

**Section 19.2.3 Household goods/refuse** No furniture, appliance or other household refuse item shall be permitted to remain outside of a residence or structure for sale or for free for more than 24 hrs. unless said item is awaiting removal to a trash/waste facility, in such case it shall be removed within 7 days. Furniture, appliances and other household refuse items may remain for sale or for free removal provided that said items are removed and placed under cover during the nighttime hours of each day.

**Section 19.2.4 Discarded refrigerators/freezers** all refrigerators and freezers that are no longer in use and have been removed from the residence for disposal, shall have the door, doors or lid removed.

**Section 19.2.5 Use of Town/Public Trash Receptacles** No person shall discard household waste/trash into a public or municipal receptacle; said containers are for incidental trash and are intended to prevent littering.

**Section 19.3.1 Enforcement** The provisions of Chapter 19 may be enforced by the Appointed Health Officer, Planning and Zoning Administrator or any Officer of the Newport Police Department.

**Section 19.3.2 Precedence/Conflicting Provisions:** Whenever the regulations differ from any statute, ordinance or other regulation, the provision which imposes the higher standard shall be controlling.