

TOWN OF PITTSFIELD, N.H.
HEALTH ORDINANCE

SECTION 1 - AUTHORITY

This Ordinance is adopted pursuant to RSA 147:1, which grants health officers of towns the authority to create regulations for the "prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require."

SECTION 2 - PURPOSE AND INTENT

This Ordinance is intended to guide the Pittsfield Health Officer and their duly appointed Deputy in their actions taken to follow up on complaints and to identify nuisances within the Town of Pittsfield and to provide a means for correcting or abating the said nuisances.

It is in the public good for the Town to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character, and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the Town, its citizens, businesses, and visitors.

This Ordinance provides aggressive measures to abate said nuisances. It is the intent of this Ordinance that the Health Officer use the full measure of authority under RSA Chapter 147.

SECTION 3 - NUISANCE

The term "nuisance" is defined to mean any condition or use of premises, both interior and exterior, which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community and is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood.

This includes, but is not limited to, the presence on the premises of any of the following exposed to view from any public place:

- The storing of junk, trash, or debris, abandoned, discarded or unused objects or equipment such as, but not limited to, disassembled automobile parts, oil, antifreeze containers, furniture, paper, cardboard, plastics, glass, scrap, metal, tires, stoves, refrigerators, freezers, cans or containers.
- Unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer in use for the purposes for which it was manufactured, for a period of ninety days or more (except in licensed junk yards).

- Deleterious or septic material, unless such material is retained in containers or vessels which are covered.
- An attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences or debris.
- Graffiti on any public or private structure, object, or surface. Graffiti means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to or on any surface or structure on public or private property to the extent such is not authorized by the owner or occupant thereof.
- Any public nuisance as defined by statute.

SECTION 4 - PROCEDURE

Upon complaint or knowledge of a nuisance, the Health Officer will investigate the complaint and establish proof of a nuisance. Once a nuisance is determined, the property owner and/or tenant will be contacted to start the abatement process. If a verbal notification does not prove sufficient and immediate results, a written notice of the nuisance will be issued to the property owner.

The timeframe for abatement will be set by the Health Officer, depending on the nature and severity of the nuisance.

SECTION 5 - VIOLATION AND PENALTIES

For any violation of any provision of this Ordinance by permitting, creating, maintaining, or being guilty of any of the nuisances herein specified and upon failure to abate such within a reasonable time after notice to do so, be guilty of a summary offense and liable to pay a fine not less than \$35.00 per day for non-compliance or refusal after warning notice has been provided, up to a maximum of \$500.00 per violation.

For any violation that requires Town remediation, the owner or occupant of the property may be responsible for fees as directed in RSA 147:7 and/or RSA 147:7-b.

Nothing herein shall prevent the Town from obtaining injunctive relief to abate the nuisance.

SECTION 6 - APPEAL

Decisions of the Health Officer may be appealed to the Zoning Board of Adjustment within 15 days. If, after the appeals process to the Zoning Board of Adjustment is complete, a secondary level of appeal may be made to the Board of Selectmen within 15 days of the Zoning Board of Adjustment's decision.