

ARTICLE II

PUBLIC HEALTH

Section 1. Purpose

The purpose of this article is to promote public health by requiring that real property be kept clean, free of infestation, and in repair, and to authorize the Mayor and Council to compel compliance or to correct non-compliance.

Section 2. Dwellings, Yards and Lots to be Kept Clean

Every dwelling yard and lot within the Town shall be kept so clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter as not to be a danger to the health of any occupant thereof, and shall be kept free from vermin and rodent infestation. It shall be the duty of each occupant or owner of a dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control. If the occupant or owner shall fail to keep his portion of the property clean as above provided, the Mayor and Council may send a written notice to such occupant or owner, requesting him to remedy said condition within the time specified in said notice, said time not to be less than five (5) days. If upon receipt of the notice, the occupant or owner does not remedy said condition within the time specified in the notice, the Mayor, Council or designee may take enforcement actions against the violation in accordance with Article IX, Penalties - Enforcement - Severability.

Section 3. Dwellings to be Kept in Repair

Every dwelling shall be maintained in such good repair by the owner or agent as to be fit for human habitation, such determination to be made with the advice of a Public Health Officer of Montgomery County. If the dwelling is not maintained to be fit for human habitation, in consultation with a Public Health Officer of Montgomery County, the Mayor, Council or designee may take actions against said violation in accordance with Article IX, Penalties - Enforcement - Severability.

Section 4. Danger to Life and Health to be Abated

(a) Whenever any dwelling or any building, structure, excavation, matter, condition or thing in or about a dwelling or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is found by the Mayor and Council to be dangerous or detrimental to life or health, the Mayor and Council may order that matter, condition or thing be removed, abated, suspended, altered or otherwise improved, as the order shall specify. If any such order of the Mayor and Council issued under the authority of the provisions of this Section, is not complied with within ninety (90) days after the service thereof, then such order may be executed by the Town of Washington Grove through its officers, agents, employees or contractors, and the expense incurred incident to the execution of said order shall be paid by the owner of said property, and such expense may be recovered by the Town by appropriate legal action or the Mayor and Council may order such premises vacated until such premises shall be made to comply with the conditions of this ordinance. Before proceeding to execute such order, a copy of such notice shall be sent by Certified Mail to the owner of

the property or his agent, if names and addresses on diligent search can be ascertained, and such notice shall be posted on said premises at least three (3) days before the Town proceeds to incur such expenses, unless the condition is of such character as to require immediate action, in which case the time of the notice shall be such as, in the judgment of the Mayor and Council, is reasonable and proper.

(b) Whenever it shall be found that a dwelling is unfit for human habitation, or dangerous to life or health by reason of want of repair, of defects in the drainage, plumbing, lighting, ventilation or the construction of the same, or by reason of the existence on the premises of any condition likely to cause sickness or injury among the occupants of said dwelling, or for any other causes affecting the public health, the Mayor and Council may issue an order requiring such dwelling to be vacated after the expiration of ninety (90) days from the date that said order was served on the owners or occupants and they have been given the opportunity to be heard. A copy of such order shall be sent by Certified Mail to the owners of the property, or their agent, if names and addresses are known, or by diligent search can be ascertained. The dwelling so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the Building Inspector showing that the dwelling has been made to comply with this or any other existing law and has been made fit for occupancy.

#### Section 5. Garbage, Rubbish and Ash Receptacles

Every dwelling and every dwelling unit shall be provided with such receptacles to contain all garbage, rubbish and ashes as may be necessary and all such receptacles shall be at all times maintained in good order and repair. Receptacles for garbage shall be water tight and provided with tight covers.

#### Section 6. Trailers and Habitation Prohibited

It shall be unlawful for any person to bring within the corporate limits of the Town a trailer, camper, or mobile home for the purpose of habitation and to dwell in such quarters for a period of more than twenty-four (24) hours without first obtaining a permit from the Mayor and Council. If there is a violation of the provisions of this section the Mayor, Council or designee may take actions in accordance with Article IX, Penalties - Enforcement - Severability.

#### Section 7. Smoking in Public Buildings and Venues

There will be NO Smoking of any kind within 50 feet of the entrances of McCathran Hall and Town offices. No Smoking of any kind within 50 feet of public playground equipment, and the shore of Maple Lake.

#### Section 8. Conflict with Other Laws

The foregoing Sections 1 through 7, contain minimum requirements for the protection of health and are in addition and supplementary to any other ordinances, laws, rules and regulations and nothing therein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, County Board of Health or any Public General or Public Local Law relating to the subject of health.