

TITLE VII - PUBLIC HEALTH AND SAFETY

Chapter 1

RESTRICTED PUBLIC ACTS

SECTION:

- 7-1-1: **Public Open Alcohol Container**
- 7-1-2: **Public Display and/or Consumption of Marijuana Prohibited**
- 7-1-3: **Urinating and Defecating in Public Prohibited**
- 7-1-4: **Penalty**

7-1-1: PUBLIC OPEN ALCOHOL CONTAINER: It shall be unlawful for any person to consume beer or liquor or have in his possession an open or opened container containing beer or liquor or to discard a beer or liquor container on the public streets and avenues, public property, parks, alleys, and sidewalks of the town without prior written permission of the Town Council.

7-1-2: PUBLIC DISPLAY AND/OR CONSUMPTION OF MARIJUANA PROHIBITED: It is prohibited and unlawful for a person to engage in the public display and/or consumption of marijuana in public places within the Town.

A public place includes the streets, avenues, alleys, parks, and other places in the Town but does not include any private residence, medical office, or other private place not within the public view.

7-1-3: URINATING AND DEFECATING IN PUBLIC PROHIBITED: It is unlawful for any person to urinate or defecate in a public place in the Town, which is not specifically designated or intended for that use.

For purposes of this section, the term "public place" includes those areas generally visible to public view, but is not limited to parks, schools, playgrounds, restaurants, stores, filling stations, professional offices, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, buildings open to the public, and the doorways and entrances to buildings or dwellings and the ground enclosing them.

7-1-4: PENALTY: Any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).

**Title VII Public Health and Safety
Chapter 2**

AIR GUNS AND FIREARMS

SECTION:

- 7-2-1: Definitions**
7-2-2: Discharge of Firearms Prohibited
7-2-3: Exceptions; Permits
7-2-4: Penalty

7-2-1: DEFINITIONS: Wherever the term “firearms” is used in this Chapter, the term shall mean any instrument used in the propulsion of shot, shell or bullets or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles, and B-B guns.

7-2-2: DISCHARGE OF FIREARMS PROHIBITED: It shall be unlawful for any person to discharge firearms of any kind or description within the limits of the Town, provided however, this shall not apply to law enforcement in the performance of their duties.

7-2-3: EXCEPTIONS; PERMITS: The Council may, upon application, grant permits to shooting galleries, gun clubs, and others for shooting within the Town limits in fixed localities and under fixed rules. Such permits shall be in writing attested by the Clerk conforming to such requirements as the Council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the Council.

7-2-4: PENALTY: Any person convicted of violating a provision of this chapter shall for a first offense, be punished by a fine not exceeding five hundred dollars (\$500.00).

Any person convicted of violating a provision of this chapter shall for a second offense within five (5) years of the first conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for up to six (6) months, or both.

**Title VII Public Health and Safety
Chapter 3**

FIREWORKS

SECTION:

- 7-3-1: Fireworks Discharge Restrictions**
7-3-2: Sale or Storage: Exceptions
7-3-3: Penalty

7-3-1: FIREWORK DISCHARGE RESTRICTIONS: The discharge or use of all firecrackers and like fireworks designed and intended for pyrotechnic display, is hereby prohibited within the Town limits, except as follows:

- (A) Fireworks may be discharged or used in Town each year from July 1 through July 3 from 11 a.m. through 10 p.m., and on July 4 from 11 a.m. until midnight.
- (B) Fireworks may be discharged or used in Town each year on New Year's Eve (December 31) between 11 a.m. and 12:30 a.m. on January 1.
- (C) The Council may approve the public display of fireworks outside the excepted times, by a properly qualified individual or business entity, such as the local fire department, under the direction and supervision of experts in the handling of fireworks. Such display shall not be hazardous to surrounding property or endanger any person.
- (D) The Council may also, upon application, grant permits for private individuals to discharge or use firecrackers within the Town limits outside the excepted times in fixed localities and under fixed rules. Such permits shall be in writing attested by the Clerk conforming to such requirements as the Council shall demand, and the permit issued shall be subject to revocation at any time by action of the Council.

7-3-2: SALE OR STORAGE: EXCEPTIONS: The retail storage and/or sale of fireworks by any person or business is prohibited within the Town limits, except between June 30 through July 4 of each year. Prior to the sale of any fireworks, a retailer must obtain a permit from the Council for the sale of fireworks and pay the transient merchant fee referenced in section 5-2-4.

Applications for a permit must be filed with the Town Clerk/Treasurer at least thirty days (30) prior to the issuing of the permit and must give detailed description of the proposed care and structural conditions and occupancies of the building or structure where the retail sale will occur. A permit for the sale of fireworks is valid for one (1) year.

7-3-3: **PENALTY:** Any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).

**Title VII Public Health and Safety
Chapter 5**

OFFENSIVE CONDITIONS

SECTION:

- 7-5-1: Nuisance - Offensive to Public Health**
- 7-5-2: Refuse in Buildings - Stagnant Water**
- 7-5-3: Ice Boxes, Refrigerators**
- 7-5-4: Uncovered Wells and Cisterns**
- 7-5-5: Privies, Cesspools, and Septic Systems Prohibited**
- 7-5-6: Garbage, Junk, Combustible Materials, Lumber, and Debris**
- 7-5-7: Penalty**

7-5-1: NUISANCE - OFFENSIVE TO PUBLIC HEALTH: Any person who permits any cellar vault, privy vault, cess pool, drain, sewer, yard, grounds or premises belonging to or controlled by him or her as agent or tenant, to become obnoxious, foul, offensive or injurious to the public health, or unpleasant and disagreeable to adjacent residences or persons, shall be deemed guilty of committing a nuisance.

7-5-2: REFUSE IN BUILDINGS - STAGNANT WATER: It shall be unlawful for any person to permit or accumulate in or upon any yard, lot, place or premises or upon any street or sidewalk adjacent to or abutting upon any lot, block, place premise or in any building or shed owned or occupied by him or for which he may be agent within the limits of the Town, any stagnant water or impure water, refuse, vegetable decay or decaying substance, garbage or filth of any kind, to remain in such condition as to cause or create a nuisance or offensive smell or to pollute or render unhealthful the atmosphere or the premises or thereby to be or create a public nuisance.

7-5-3: ICE BOXES AND REFRIGERATORS: It shall be unlawful for any person to discard, abandon, or otherwise leave unsupervised outdoors within the Town limits, any refrigerator, ice box or air tight container of any kind without first removing the door(s) or locking it so as to make it inaccessible to children.

7-5-4: UNCOVERED WELLS AND CISTERNS: Every person owning, occupying or controlling premises within the Town limits upon which there is a well or cistern, either in use or abandoned, shall at all times except when necessary to open it, keep such well or cistern covered with a locked substantial cover so that it cannot be opened by children who might be attracted to such well or cistern. If a well or cistern is found in violation of this part and the owner is not immediately available to remedy the situation, law enforcement may enter and cover the well or cistern for safety purposes.

7-5-5: PRIVIES, CESSPOOLS, AND SEPTIC SYSTEMS PROHIBITED IN TOWN: The installation or use of privies, cesspools, and septic tanks or systems within the Town limits is expressly prohibited.

7-5-6: GARBAGE, JUNK, COMBUSTIBLE MATERIALS, LUMBER, AND DEBRIS: All garbage, junk, or rubbish, including but not limited to equipment, parts, tires, cardboard, old lumber, batteries, mattresses, or other debris or discarded materials, must be contained in an enclosed building or otherwise shielded from the public view in a manner that does not create a fire hazard. Logs, lumber, coal, and other combustible materials must be stored in an orderly manner and in a manner that does not create a fire hazard.

The owner, or other responsible persons of the land on which this violation takes place, shall be sent written notification of the violation and given 30 calendar days to remove the items from the property, place them in enclosed buildings or otherwise remedy the violation in accordance with this code. Failure to remedy this complain within the prescribed time period shall be considered a violation with the penalty set forth in this part.

7-5-7: PENALTY: Any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for up to six (6) months, or both.