

**CHAPTER 9  
Health and Sanitation**

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**ARTICLE 1  
General Health Regulations**

**Section 9.1 Unlawful to violate county health regulations.**

It shall be unlawful for any person, firm, or corporation to violate any lawfully adopted rule or regulation of the County Board of Health. The enforcement of this Section shall be under the supervision of the County Health officer.

**Section 9.2 Unlawful to interfere with health officer.**

It shall be unlawful for any person to hinder, obstruct or delay the Health Officer or any of his assistants in the lawful discharge of their duties.

**Section 9.3 Right of entry.**

The Health Officer or any of his assistants shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this Chapter.

**Section 9.4 Human and animal waste; dead animals.**

(a) It shall be unlawful for any person to urinate or deposit any human waste on any street lot or premises except in approved sanitary facility. No butcher, fishmonger, huckster, or vendor of merchandise of any kind shall leave any refuse on the streets, or uncovered by earth, on the lots of the Town. All putrid or decayed animals or vegetable matter must be removed from all cellars and out buildings at least once in every forty eight hours during the months of May, June, July, August and September, and at least once a week during the other months of the year. No animal that died by disease or accident and no meat therefrom nor any animal or meat therefrom killed while feverish, bruised, disabled, injured with broken bones, or otherwise heavy with young, jaded or fatigued from long driving or shipping, or killed or kept in some building or in so close proximity with fumes of gas, or disease or spoiled meat as to become contaminated therefrom or rendered unwholesome or unhealthy thereby, or manipulated with tools used on diseased or other dead carcasses as aforesaid, shall be brought into Town, held or offered for sale as food therein.

(b) Owners of animals dying in the Town shall, upon notice of their death, immediately remove same.

(d) Any animal killed by a railroad train or rail car within the corporate limits of the Town shall be removed by said railroad. For failure to observe this Section, after having been notified by the Chief of Police or Mayor, a fine shall be imposed on said company as provided in Section 1.5 hereof.

#### **Section 9.5 Septic tanks and privies regulated.**

(a) No privy of any kind shall be permitted in the Town of Hudson where a town sewer is reasonably accessible. When privies are permitted they shall be constructed in accordance with the regulations of the North Carolina State Board of Health. Privies altered or reconstructed shall also conform to these regulations.

(b) Septic tanks may be installed where sewer is not reasonably accessible provided such tank is constructed in accordance with the specifications of the North Carolina State Board of Health, and a permit therefor is issued by the Town Clerk.

#### **Section 9.6 Planting and protection of trees.**

(a) No person shall cut or damage any tree of the Town without the permission of the Town or shall dig or injure any tree or shall tack or post any advertisement upon said trees in the Town.

(b) Planting of shrubs and/or trees may not be of a type or in a location which would be hazardous to public health and/or safety. Existing growth must be removed or trimmed to meet this requirement.

#### **Section 9.7 Milk.**

It shall be unlawful for any person to sell or offer for sale within the Town any impure, adulterated or unwholesome milk, or sell, or offer to sell as pure milk, any milk to which water has been added or any other substance which in its effect, injures its quality or lessens its value, or to sell or offer to sell, the milk from any cow that may be sick, diseased or suffering from any bodily condition, or disorder liable to render her milk unfit, or unsafe to use or food, or milk obtained from a cow kept in a filthy or unventilated stable or building, or in an offensive, filthy lot or pen or shed, or that may be fed upon food or allowed to drink any liquid with risk of sickness or disease therefrom.

#### **Section 9.8 Butchering restricted.**

No person shall butcher any cattle, hogs or sheep within the corporate limits of the Town: Provided this shall not apply to persons that may butcher cattle or hogs or sheep for home purposes.

#### **Section 9.9 Removal of stagnant waters.**

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on their property.

#### **Section 10 Sale of Food**

Eating establishments, all persons, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the North Carolina State Board of Health.

#### **Section 9.11 Town water tank.**

It shall be unlawful for any person (other than persons employed by the Town) to climb up the water tank in the Town.

#### **Section 9.12. Keeping of hogs, etc.**

- (a) No hog sty or pig pen, stall, stable, shed, barn, chicken roost, chicken lot or like building of any person shall be located within one hundred feet of any dwelling other than his own, or within fifty feet of any well, spring or any other source of water used for drinking or culinary purposes, or any natural drain or gutter within the Town, or within fifty feet of property lying in the Town possessed or owned by another person. Fenced pasture must contain not less than one-half acre for each head of livestock. (Ord. of 12/1/70).
- (b) The offal from such pens, sites, etc., shall be heaped in a pile and carried off the premises at least twice a week; no water shall be allowed to collect and stand around such pen or sty; and the owner of any such building shall keep such pen, stall or shed in an absolute sanitary condition in every respect, so as not to offend any persons within the Town.
- (c) If a complaint is filed in writing at the Town hall or to an officer of the Town by an adjoining property owner or tenant thereof, setting forth the basis for his complaint, and if the basis thereof is in violation of the restrictions herein set forth, and if the person offending shall fail to comply with the restrictions herein set forth within two days on being notified to do so by the sanitary inspector, or any officer of the Town, he shall be subject to a penalty of a fine not to exceed fifty dollars (\$50.00) or to be im-

prisoned for a period not to exceed thirty days, one or both, within the discretion of the court.

(d) Any sty, stall or pen within the Town that shall be declared a menace to health upon the certificate of a practicing physician in good standing in the county medical association shall be removed outside of the Town by the owner thereof, after forty-eight hours' notice shall have been given him by the sanitary inspector. All persons failing to remove such nuisance after such notice shall be subject to a penalty of a fine not to exceed fifty dollars (\$50.00) or to be imprisoned for a period not to exceed thirty days, or both, within the discretion of the court. (Ord. of 8/4/70)

### Section 9.13 Definitions (Ord. 5/15/12)

- (1) **Livestock is defined as:** All equine species, including horses, ponies, donkeys, and mules; all bovine species including cows and cattle; all ruminates, including goats and sheep.
- (2) **Poultry** – shall be defined as any species, including chickens, ducks, and turkeys kept for productive or useful purposes other than as pets. This definition excludes domestic fowl that are kept for non-productive purposes including but not limited to guineas, peacocks and like species.
  - (1) It shall be unlawful for the owner or keeper of any chicken, turkey, duck or domestic fowl of whatever description to run at large in the Town.
  - (2) No person shall keep or maintain poultry in the Town unless the fowl

will be on a tract of land and/or maintained as follows:

- a) The tract shall consist of at least twenty thousand (20,000) square feet under single ownership or control.
- b) Such poultry must be contained in a secure fence enclosure at all times.

- c) The enclosure shall have a minimum of ten square feet (10) for each fowl.
- d) No enclosure shall be erected or maintained within the front or side yard (as defined by the Zoning Ordinance) within fifty (50) feet of any property line or within one hundred (100) feet of another residence.
- e) The enclosure shall be kept clean, sanitary and free from accumulations of excrement and objectionable odor.
- f) There shall be no more than four (4) fowl kept on any property at any time. No roosters will be permitted.

Sections 9.14 through 9.16 reserved.

**ARTICLE 2****Growth of Weeds and Accumulation of Refuse Regulated** *(Amended 7/18/2017)***Section 9.17 Uncontrolled growth of weeds and accumulation of refuse declared public nuisance.**

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(1) The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four inches causing or threatening to cause a hazard detrimental to the public health or safety.

(2) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(3) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(4) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

**Section 9.18 Complaint and investigation.**

The Town Code Enforcement Officer, upon notice from any person of the existence of any of the conditions described in Section 9.17, shall cause to be made by the appropriate County Health Department official, or Town official, such investigation as may be necessary to determine whether, in fact such conditions exist as to constitute a public nuisance as declared in Section 9.17.

**Section 9.19 Notice to abate nuisance.**

Upon a determination that such conditions constituting a public nuisance exist, the Town Code Enforcement Officer shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen days from the receipt of such written notice.

**Section 9.20 Failure of Owner to abate nuisance.**

If any person, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the

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nuisance within fifteen days from receipt of said order, the Town Code Enforcement Officer shall cause said condition to be removed or otherwise remedied by having employees of the Town go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Board.

Any person who has been ordered to abate a public nuisance may within the time allowed by this Article request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

**Section 9.21 Cost incurred by owner.**

The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land and it shall be the duty of the tax collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty days from the receipt thereof.

**Section 9.22 Charges become a lien.**

In the event charges for the removal or abatement of a public nuisance are not paid within thirty days after the receipt of a statement of charges as provided for in Section 9.23, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G. S. 160A-193.

**Section 9.23 Procedure is alternative to other authorized procedures.**

The procedure set forth in this Article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this Article shall not prevent the Town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this Article as provided in G. S. 14-4.

**Section 9.24 Debris from new construction.**

All refuse, lumber and debris, remaining both as a result of the repair of any buildings, or of the erection and completion of any new buildings, shall be removed by the property owner within ten days from the completion of the aforesaid work.

**Section 9.25 Purpose and definitions.**

- a) The purpose of this article is for the protection of the public health, welfare, safety, and interest through the facilitation and enforcement of proper solid waste management.
- b) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**1. Commercial and residential establishment.** A commercial establishment is any office in or from which is conducted a service; retail or wholesale stores; bottling plants; printing establishments; apartment complexes; religious, charitable, or governmental offices; schools; nonprofit organizations; private clubs; hospitals; and restaurants. A residential establishment is any establishment designed or used wholly or in part for private purposes.

**2. Container.** A waterproof, odor-proof receptacle approved by the Town for use in commercial, business, industrial, residential and other approved areas.

**3. Disposal site.** The site used for discharging, depositing, injecting, dumping, spilling, leaking, or placing of any solid waste into or on any land so that the solid waste or any constituent thereof may enter the environment or emit into the air, or discharge into any waters, including ground waters.

**4. Dump.** The consolidation or collection of solid waste from one or more sources at a disposal site which has unsanitary conditions. Includes any disposal area which has not been approved by applicable health regulations.

**5. Garbage.** The organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals, and the like. Comprises chiefly waste food, and does not include liquid that may be drained into the sewer, or ashes, cinders, and the like from fireplaces, stoves, heaters, and the like.

**6. Hazardous waste.** A solid waste or combination of solid wastes, which because of their quantity, concentration, or physical, chemical, or infectious characteristics may: cause or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**7. Industrial establishment.** An industry engaged in manufacturing products from raw materials.

**8. Nonprofit organization.** An organization not conducted or maintained for the purposes of making a profit.

**9. Refuse.** Solid waste accumulations consisting of garbage, household trash, yard trash, and business trash.

**10. Sanitary landfill.** A method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduced it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at more frequent intervals as may be necessary.

**11. Solid waste.** Garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. (Ord. of 6/4/85)

#### **Section 9.26 Responsibility for administration.**

The administration of the provisions of this article shall be the responsibility of the Town Code Enforcement Officer. It shall be their duty to enforce all of the provisions of this article. (Ord. of 6/4/85)

#### **Section 9.27 Function and power of the responsible department.**

The Town Code Enforcement Officer shall:

- a) Aid and assist the county and state in the application and enforcement of rules and regulations pertaining to solid waste management.
- b) Enforce local rules and regulations pertaining to solid waste management.
- c) Issue warning notices and initiate proceedings against violators of local regulations. (Ord. of 6/4/85)

#### **Section 9.28 Standards and regulations for collection.**

The level of garbage service provided by the Town shall not exceed three 32-gallon cans per residential or commercial establishment picked up one time per week. Any establishment that exceeds this level of service shall use commercial garbage collection provided by private collectors as franchised by the Town. Industrial garbage or trash will not be collected by the Town; private collectors must be used as franchised by the Town. When private collection is required, it shall be at 100% cost to the generator of the waste. (Ord. of 6/4/85)

#### **Section 9.29 Standards and regulations for storage prior to collection.**

Every owner, occupant, tenant, or lessee shall provide adequate, approved containers for receiving and holding refuse. The following rules and regulations for storage shall be observed:

- a) Containers shall be kept in a sanitary condition at all times.
- b) Pick-up schedules for each area of the Town are available at the Municipal Building. Containers must be placed at curbside on the day of pickup by 7:00 a.m. Plastic bags may be used, but must be kept in containers except for the day of the pickup.
- c) Garbage (food waste) and rubbish shall be stored in a container which shall have a tight-fitting cover, have suitable handles, be watertight and fly-proof, and be able to be carried easily by the collector.
- d) Garbage (food waste) shall be drained of Liquids.
- e) Containers shall be kept tightly covered at all times.
- f) Containers shall be of not less than 20 gallons nor more than 32 gallons in capacity for households.
- g) Containers shall be stored on the owner's property and not left on a public right-of-way after pickup. (Ord. of 6/4/85)

#### **Section 9.30 Standards and regulations for disposal.**

- a) All non-hazardous solid waste shall be disposed of in the Caldwell County sanitary landfill.
- b) No burning of solid waste is permitted except in approved incinerators or by permit.
- c) All hazardous waste shall be collected and disposed of in accordance with state laws. (Ord. of 6/4/85)

a) It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal.

b) It shall be unlawful for any person to salvage to reclaim any solid wastes except at a properly permitted facility in which salvage is an integral plan of operation.

c) It shall be unlawful to make refuse available for animal consumption unless the refuse has been heat-treated to kill any disease agent therein.

d) It shall be unlawful for any person to use, maintain, or operate an open dump.

e) It shall be unlawful for any person to burn any solid waste except in an approved incinerator, or by permit.

f) It shall be unlawful for any person to throw, place, or deposit, or cause to be thrown, placed, or deposited, any solid waste, trash, tree limbs, or leaves in or upon any street, alley, sidewalk, body of water, public or private property, except as provided in this article. (Ord. of 6/4/85)

**Section 9.32 through 9.40 reserved.**

**Cemeteries**

**Section 9.41 Cemetery use.**

No person shall be interred or disinterred therein without lawful authority and permission obtained.

**Section 9.42 Conduct.**

No person shall disturb the quiet, repose and good order of the cemetery, nor shall any person deface, remove, disturb, injure or destroy any tree, plant, or shrub therein except in the manner herein provided; trespassing within said cemetery is hereby prohibited, and no person shall commit any immoral act therein under penalty of the law herein prescribed.

**Section 9.43 Vehicles.**

No vehicle shall enter said cemetery except for the purpose of attending funerals, visiting graves or other lawful mission.

**Section 9.44 Cleanliness.**

No person shall deposit any rubbish, filth, waste, or other unclean or unsightly substance in said cemetery, and all materials carried within said cemetery and not used in the erection of monuments, markers or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which such monument, marker or structure shall be located.

**Section 9.45 Burial regulated.**

a) It shall be unlawful for any person to bury any human being on any lot or premises within the corporate limits except within an approved cemetery and in accordance with all applicable laws and regulations.

b) No person shall dig any grave, put up any gravestone or board or make any erections, or dig up any sod on any private burial lot, except under the direction or by the consent of the owner thereof.

**Section 9.46 Damaging gravestones, etc. prohibited.**

No person shall remove the stakes from a burial lot or any board, gravestone, or other monument which may have been erected at any grave, nor deface, injure or destroy any such board, gravestone, or monument in any manner.

**ARTICLE 5****Smoking in Municipal Buildings  
and Vehicles****Section 9.51 Definitions.**

**Smoking.** The inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product. The use of any electric oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.  
*(Ord. of 9/14/93 - Amended 10/21/2014)*

**Section 9.52 Smoking Prohibited in  
Municipal Buildings.**

It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the Town.  
*(Ord. of 9/14/93)*

**Section 9.53 Smoking Prohibited in  
Municipal Vehicles.**

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the Town.  
*(Ord. of 9/14/93)*

**Section 9.54 Exemptions.**

This article shall not apply to individual dwelling units in public housing complexes.  
*(Ord. of 9/14/93)*

**Section 9.55 Penalty.**

Violation of this article shall constitute a misdemeanor punishable in accordance with N.C.G.S. 14-4.  
*(Ord. of 9/14/93)*