

CHAPTER 307

HEALTH ORDINANCE

Town of Yarmouth, Maine

Recodified: 1/15/98

Amended: 5/17/12

HEALTH CODE

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HEALTH CODE

ARTICLE I

A. TITLE

This Ordinance shall be known and may be cited as the Health Code of the Town of Yarmouth.

B. PURPOSE

The purpose of this Ordinance is to promulgate specific regulations to protect and preserve the public health as it relates to local needs or donations, not inconsistent with the Revised Statutes of the State of Maine.

C. DEFINITIONS

1. Town. The word "Town" shall mean the Town of Yarmouth.
2. Person. The word "person" shall mean every natural person, firm, co-partnership, association or corporation.

ARTICLE II

A. BOARD OF HEALTH

The Town Council shall appoint a Board of Health consisting of five members besides the local Health Officer, one of whom shall be a physician if available in the community, and the remainder to consist of both men and women. Appointments shall be for three year terms with the term of one member expiring each year. The Health Officer shall be Secretary Ex-officio of the Board of Health and shall keep a record of all proceedings.

The Board of Health shall constitute an advisory body to the Health Officer.

The Board of Health is empowered to make such orders and regulations as are essential to protect the public health when, in its opinion, an emergency or threatened epidemic exists. Such rules and regulations shall lapse when the Board certifies termination of the emergency.

B. HEALTH OFFICER

1. The Health Officer, who preferably shall be a physician, will be appointed by the Town Manager as provided under ARTICLE III, Section 3 of the Town Charter for a term of three years and until his successor is appointed. In the event of incapacity or absence of the Health Officer, the Town Manager shall appoint a person to act as Health Officer during such incapacity or absence.

2. Duties

The Health Officer shall have charge and control of all functions involved in protecting and preserving the public health; he/she shall have all power provided by state law or Town ordinance relative thereto. Among other powers, he/she shall exercise the functions of:

- a. **Communicable Disease Control**, which shall include the power of quarantine and detention, and the adoption of such other measures as will prevent the spreading, or aid in the prevention, of communicable diseases.
- b. **License Inspector**, Inspect all premises for which satisfactory sanitary conditions are a pre-requisite to issuance of a license by the Town Clerk and either deliver to the Town Clerk a certificate to the effect that health laws are complied with and that proper sanitary conditions exist or advise the Town Clerk of his/her refusal to so certify.

3. Conditions resulting in non-certification to the Town Clerk shall be corrected to the satisfaction of the Health Officer and should he/she fail to find the conditions corrected to his/her satisfaction, he/she may make reinspections at such future times as he/she may deem reasonable, and, in the event the licensee is unable to satisfactorily comply, the Health Officer shall refer the violation to the Board of Health for a hearing, who may thereafter recommend action to be taken by the Licensing Board of the Town of Yarmouth.

4. **Complaints**

The Health Officer shall receive and examine into all complaints made by any of the inhabitants of the Town concerning nuisances dangerous to life and/or health within the limits of the Town; enter upon or within any place or premises where nuisances or conditions dangerous to life or known or believed by him/her to exist, and personally, or by appointed agents, inspect and examine the same; and all owners and occupants shall permit such sanitary examinations. He/she shall have the power and it shall be his/her duty to order the suppression and removal of nuisances and conditions detrimental to life and/or health known by him/her to exist within the limits of the Town.

5. **Miscellaneous**

- a. Filling station restrooms shall be required to be maintained in a sanitary condition and shall be subject to inspection at the discretion of the Health Officer.
- b. All Laundromats and the equipment therein shall be maintained in clean, sanitary conditions a subject to inspection by the Health Officer who may require the correction of unsanitary conditions at his/her discretion.

- c. Whenever any person knows, or has reason to believe, that within his/her family or household someone is ill with small pox, diphtheria, scarlet fever, cholera, typhus fever, or any other disease which is made notifiable by the rules and regulations of the State Department of Health and Welfare, he/she shall, within 24 hours, give notice thereof to the Health Officer of the Town.
- d. Itinerant food service activities shall be erected and operated in a manner approved by the Health Officer.

6. Garbage and Solid Waste Disposal

- a. No garbage or rubbish may be dumped in streams, rivers, or other public waters.
- b. Garbage shall be placed in a securely closed container until such time as it is delivered to the Town's sanitary landfill.
- c. No person shall establish a private dump for the disposal of solid waste except for those materials to be used as garden mulch.

ARTICLE III

A. PENALTY

Any person who violates any provision of this Ordinance or any regulation or order made hereunder shall, upon conviction thereof by a court of competent jurisdiction, be punished by a fine of not less than \$50.00 nor more than \$200.00.