

CODIFIED ORDINANCES OF FOLLANSBEE
PART ELEVEN - HEALTH AND SANITATION CODE

Art. 1101. Nuisances Generally.

Art. 1109. Weeds.

CODIFIED ORDINANCES OF FOLLANSBEE
PART ELEVEN - HEALTH AND SANITATION CODE

ARTICLE 1101
Nuisances Generally

<p>1101.01 Acts dangerous to health.</p> <p>1101.02 Expectorating or passing bodily wastes in public places.</p> <p>1101.03 Discharging waste water upon streets.</p> <p>1101.04 Distribution of medicinal or toxic substances.</p> <p>1101.05 Keeping premises clean and wholesome.</p> <p>1101.06 Offensive or unwholesome substances; stagnant water.</p>	<p>1101.07 Inspections; notice to remedy conditions; non-compliance.</p> <p>1101.08 Vacating premises in unsanitary or unsafe condition.</p> <p>1101.09 Lots used by circuses and exhibitions.</p> <p>1101.10 Partially demolished structures; open foundations.</p> <p>1101.99 Penalty.</p>
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CROSS REFERENCES

Power to abate - see W. Va. Code 8-12-5(23)
Abatement of nuisances - see W. Va. Code 16-3-6
Weeds - see H. & S. Art. 1109

1101.01 ACTS DANGEROUS TO HEALTH.

No person shall commit any act dangerous to health, rendering soil, air, water or food impure or unwholesome or which tends to endanger public comfort or repose. Such acts are declared to be a nuisance.

1101.02 EXPECTORATING OR PASSING BODILY WASTES IN PUBLIC PLACES.

(a) No person shall expectorate or spit upon the walls, floors or steps, or other walkways or approach to any hotel corridor, hotel office, restaurant or eating place, public hall, bank, public building, schoolhouse, post office, public office, courthouse, assembly room, public conveyance, or upon any sidewalk, street, lane, alley or plaza in the City.

(b) No person shall urinate or pass bodily wastes upon any sidewalk, street, lane, alley or plaza in the City, nor shall any person urinate or pass bodily wastes near or adjacent to any sidewalk, street, lane, alley, plaza or building, or in any open or public area of the City, except in facilities provided for such purposes.

1101.03 DISCHARGING WASTE WATER UPON STREETS.

No person shall throw the water or slop from his house or kitchen into or upon any street, public square or landing of the City, or permit or suffer the same to be done by any person in his employment or belonging to his family.

1101.04 DISTRIBUTION OF MEDICINAL OR TOXIC SUBSTANCES.

No person shall throw, cast, deposit, drop or leave any medicinal or toxic substance, in package or in bulk, or cause any such substance to be thrown, cast, deposited, dropped, scattered or left in or upon any premises in the City without the consent of the owner or occupant of such premises, and no person shall throw, cast, deposit, drop or leave any such substance on any street or public way within the City, or in any public building, or on any unoccupied ground or lot.

1101.05 KEEPING PREMISES CLEAN AND WHOLESOME.

It shall be the duty of every person occupying any premises, or any part of any premises in the City, to keep such premises and all buildings, yards, stables, ground and outhouses connected therewith clean and wholesome.

1101.06 OFFENSIVE OR UNWHOLESOME SUBSTANCES; STAGNANT WATER.

No owner of any lots of ground within the City, whether such lots have buildings or structures thereon or not, and whether or not such lots or premises or the buildings or structures thereon be occupied by another shall permit filth, manure, decayed fish, animal or vegetable matter or any other offensive or unwholesome substance to be or remain on such lots or premises, or permit stagnant water to be or remain on such lots or premises.

1101.07 INSPECTIONS; NOTICE TO REMEDY CONDITIONS; NONCOMPLIANCE.

No owner of lots of ground or premises shall be convicted of a violation of Sections 1101.05 and 1101.06 until he has received from the Health Officer written notice of the existing objectionable conditions and has failed to place the same in a clean and wholesome condition within forty-eight hours after the time of service thereof. After the lapse of forty-eight hours after service of such notice, if the objectionable conditions stated in the notice are not then removed, the owner of the lots or premises shall be liable to conviction and penalty for violation of such sections. Each twenty-four hours that such objectionable conditions are permitted to exist after the lapse of forty-eight hours after service of such notice shall constitute a separate and distinct offense and violation of such section.

1101.08 VACATING PREMISES IN UNSANITARY OR UNSAFE CONDITION.

No person vacating, abandoning or moving from any house, apartment, grounds or premises shall leave such house, apartment, grounds or premises in an unsanitary condition or in any condition which shall, in the opinion of the Health Officer, constitute a menace to the public health, or leave anything about such house, apartment, grounds or premises which shall endanger the public safety in any manner whatsoever.

1101.09 LOTS USED BY CIRCUSES AND EXHIBITIONS.

The owner of any lot or square of ground in the City who leases a lot or square for any circus or other exhibition shall, within twenty-four hours after the exhibition leaves, clear and remove to the satisfaction of the Health Officer, from such lot or square, wastepaper, offal, filth, manure, animal and vegetable matter, and deposits of all kinds.

1101.10 PARTIALLY DEMOLISHED STRUCTURES; OPEN FOUNDATIONS.

(a) No person shall leave any structure in the City in a partially demolished condition or permit an open foundation to exist anywhere within the City.

(b) Whenever a structure is demolished the foundation for such structure shall be removed and the lot leveled.

1101.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

ARTICLE 1109
Weeds

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| 1109.01 Prohibited generally. | 1109.04 Charges; billing; liens. |
| 1109.02 Notice to destroy. | 1109.99 Penalty. |
| 1109.03 Removal by City. | |

CROSS REFERENCES

- Noxious weeds - see W. Va. Code Art. 19-12D
Trees - see S.U. & P.S. Art. 913
Nuisances generally - see H. & S. 1101

1109.01 PROHIBITED GENERALLY.

No owner of any lot, place or area within the City, or the agent of such owner, shall permit on such lot, place or area, or upon any sidewalk abutting thereon, any weeds, grass in excess of eight inches, or deleterious, unhealthful growths or other noxious matter, that may be growing, lying or located thereon. (1970 Code Sec. 11-22)

1109.02 NOTICE TO DESTROY.

The Chief of Police is hereby authorized to notify, in writing, the owner of any lot, place or area within the City or the agent of such owner, to cut, destroy, or remove any weeds, grass in excess of eight inches, or deleterious, unhealthful growths or other noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting thereon. Such notice shall be by certified or registered mail, addressed to the owner, or agent of the owner, at his last known address, with return receipt requested. (1970 Code Sec. 11-23)

1109.03 REMOVAL BY CITY.

Upon failure of any owner or agent so notified as provided in Section 1109.02 to cut, destroy or remove weeds, grass or deleterious, unhealthful growths or other noxious matter growing or located upon such owner's property or upon a sidewalk abutting thereon after receipt of the notice as provided in Section 1109.02, or within six days after the date of such notice if it was properly addressed to the last known address of such owner or his agent and the post office returns it to the City because of inability to make delivery, the Chief of Police is hereby authorized to pay for the cutting, destroying and removal of such weeds, grass or deleterious, unhealthful growths or other noxious matter or to order removal by the City. (1970 Code Sec. 11-24)

1109.04 CHARGES; BILLING; LIENS.

(a) When the City has effected the removal of obnoxious growth or has paid for its removal, the actual cost thereof, as set out in Section 1109.03 plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular garbage bill forwarded to such owner by the City, and such charge shall be due and payable by such owner at the time of payment of such garbage bill.

(b) Where the full amount due the City is not paid by the owner within sixty days after the cutting, destroying or removal of such weeds, grass, or deleterious or unhealthful growths or other noxious matter as set forth in this article, then the Chief of Police shall cause suit to be instituted on behalf of the City against such owner for the full cost, principal, and interest, plus court costs if any. In the alternative, the Chief of Police may cause to be filed in the county court a sworn statement of the cost and expense incurred for the work, the date, place, and property on which the work was accomplished, and the recordation of such statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Such sworn statement shall be prima facie evidence that all formalities have been complied with, and that the work has been done properly and satisfactorily, and shall constitute full notice to the persons interested of the charge against the property.
(1970 Code Secs. 11-25, 11-26)

1109.99 PENALTY.

In addition to any civil penalties provided herein whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days or both.