

**REGULATIONS GOVERNING HEALTH
HAZARDS AND POTENTIAL HEALTH HAZARDS
IN GUILFORD COUNTY**

EFFECTIVE OCTOBER 1, 2021

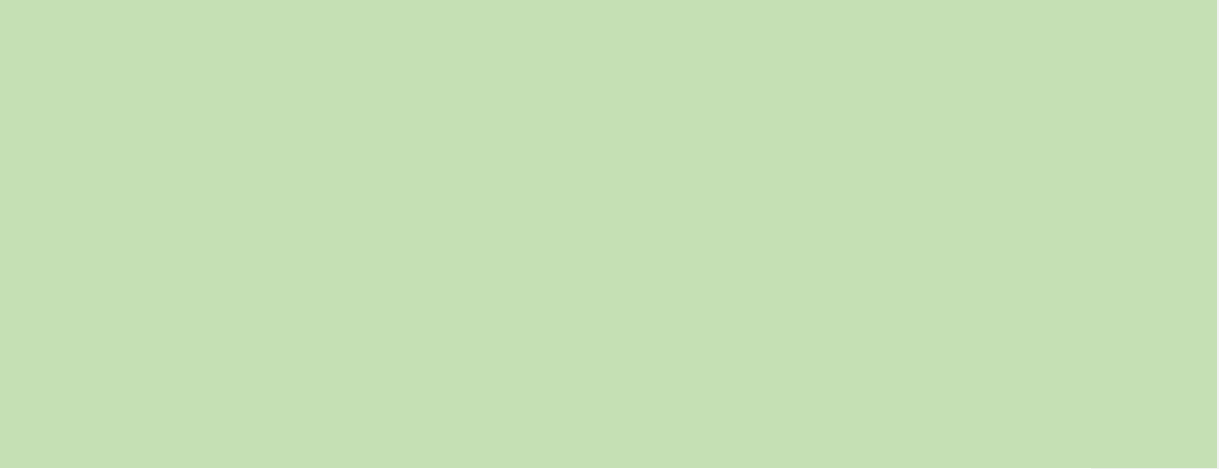


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Section I - General Provisions

- (A) **Authorization** - The Guilford County Board of Health is authorized under the provisions of Chapter 130A, Section 39 of the General Statutes of North Carolina to adopt appropriate rules and regulations for the protection of the public health.
- (B) **Purpose** - Consistent with the responsibility to protect and advance the public health, it is declared to be the policy of the Guilford County Board of Health to promote, encourage, and effect the removal of potential health hazards before the public health is affected and disease outbreaks occur; also, to provide a means of preventing the creation of such health hazards in the future.
- (C) **Scope** - No person shall cause or create any actual or potential health hazard or create situations contrary to the provisions of these regulations and standards. Previously adopted procedures and requirements of the Guilford County Department of Public Health are superseded by these regulations and standards.
- (D) **Conflict with other Laws and Regulations** - The provisions of any Federal, State, or Municipal law or regulation establishing standards affording greater protection to the public welfare, safety, and health shall prevail within the jurisdiction of such agency or municipality over standards established by these regulations.
- (E) **Penalties** - Any person who willfully violates any provisions of these regulations, or any other issued pursuant thereto, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars or imprisonment not to exceed thirty days, or both. As provided by G.S. 130A-18, the Health Director may also institute an action in the Guilford County Superior Court for injunctive relief. All other remedies provided by state law, including Part 2 of Article 1 of Chapter 130A of the North Carolina General Statutes shall also be available to the Health Director, including a \$50.00 civil penalty for each day of violation.
- (F) **Appeals** - Appeals concerning the interpretation and enforcement of these rules by the local Health Department, shall be conducted in accordance with the following procedure.
1. The aggrieved person shall give written notice of appeal to the local Health Director within thirty (30) days of the challenged action. The notice shall contain the name and address of the aggrieved person, a description of the challenged action and a statement of reasons why the challenged action is incorrect. The Health Director may affirm, modify or reverse the original action. The Health Director shall issue a written decision based on evidence presented at the meeting. The decision shall contain a concise statement of the reasons for this decision.
 2. If the aggrieved person desires to pursue the appeal further, such party shall give written notice of the appeal to the local Health Director within thirty (30) days of the date of the written notice from the local Health Director. Upon

filing the notice, the local Health Director shall, within five working days, transmit to the local Board of Health the notice of appeal and the papers and materials upon which the challenged action was taken.

3. The local Board of Health shall hold a hearing within fifteen days of the receipt of the notice of appeal. The Board shall give the person not less than ten days' notice of the date, time, and place of the hearing. On appeal, the Board shall have authority to affirm, modify or reverse the challenged action. The local Board of Health shall issue a written decision based on the evidence presented at the hearing. The decision shall contain a concise statement of the reason for the decision.
4. A person who wishes to contest a decision of the local Board of Health, shall have the right of appeal to the Guilford County Superior Court within thirty (30) days after the date of the decision by the Board. The scope of review in the Superior Court shall be the same as in G.S. 150 B-51.

History Note: Amended and Adopted May 26, 1992.

Section II - Definitions

(A) **"Abandoned Well"** means a well whose use or construction has been discontinued, or which is in such a state of disrepair that continued use for obtaining groundwater or other useful purpose is unsafe or impracticable.

(B) **"Board of Health"** means Guilford County Board of Health or its official representatives.

~~(C) **"Debris"** means the remains of, or pieces and parts of destroyed buildings, automobiles, machinery, furniture, and other non-putrescible solid wastes, combustible and noncombustible.~~

~~(D) **"Garbage"** means putrescible wastes of either animal or vegetable origin.~~

(E) **"Health Department"** means Guilford County Department of Health and Human Services, Division of Public Health.

(F) **"Health Director"** means the administrative head of the Guilford County Department of Public Health appointed pursuant to Chapter 130A-40 of NC General Statutes.

(G) **"Owner"** means any person who holds the fee or other property rights to the site of concern.

(H) **"Person"** means any and all persons including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions,

Commented [JJ1]: Covered in planning ordinance (Sect. 15.5.1)

Commented [JJ2]: Covered in planning ordinance (Sect. 15.5.1)

governmental agencies or private or public corporations organized or existing under the laws of the state or of any other state or country.

(I) **“Premises”** means a definite portion of real estate including land with its appurtenances, a building, or part of a building.

(J) **“Rubbish”** means non-putrescible solid wastes. Rubbish consists of both combustible and noncombustible materials, such as paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, metals, and similar objects and materials.

Commented [JJ3]: Called **Refuse** in planning ordinance (Sect. 15.5.1)

(K) **“Site”** means the land or water area where any facility, activity, or situation is physically located, including adjacent or nearby land used in connection with the facility, activity, or situation.

Chapter III - Licenses

Collection of Garbage and Rubbish

(A) No person except a municipal corporation offering garbage service shall collect, transport or dispose of garbage or rubbish without a license from the Guilford County Board of Commissioners issued upon the recommendation of the Health Director.

(B) The Health Director shall recommend such license only when upon annual inspection, finds the facilities, equipment, method, and place of disposal are in compliance with these regulations.

(C) These licenses are to be renewed every five (5) years by the Guilford County Board of Commissioners upon satisfactory completion of a compliance inspection as prescribed by these regulations.

(D) Every truck and other vehicle used for collecting and transporting garbage and rubbish excepting tree limbs and stumps shall be equipped with a canvas or other suitable substantial material adequate in size to cover the entire bed and load to prevent blowing and spillage. Such a covering shall be used to cover partial loads while collecting and entire loads while in transit. Except, this shall not apply to power-operated packer-type trucks.

Commented [JJ4]: Covered in planning ordinance (Sect. 15.5.6)

Section III - Health Hazards

Garbage, Rubbish, and Debris

1) Garbage

No person, owner, occupant, tenant, or lessee of any public or private premises shall permit the accumulation upon his/her premises of any garbage, or any rubbish that has been in contact with or soiled by animal or vegetable wastes, except in covered containers of a type approved by the Health Director as being adequate sanitary containers with the following characteristics: (1) water tight, (2) provided with a tight fitting lid, (3) rust resistant, (4) structurally sound to withstand handling stress, (5) easily filled, emptied, and cleaned, (6) not over 32 gallons capacity unless containers are power operated bulk containers, or authorized by a town or city, (7) furnished with side handles or a bail, unless power operated bulk containers, (8) fly tight and rodent proof. In addition, each container shall be maintained in a reasonably sound condition and shall not be used if the above characteristics are absent. This shall not apply to sanitary landfills approved by the Health Director.

2) Rubbish and Debris

(A) No person, owner, occupant, tenant, or lessee of public or private premises or any land, developed or underdeveloped, or in, under, or outside any building, occupied or unoccupied, shall permit the accumulation of rubbish or debris that would constitute a substantial risk that it would provide harborage or breeding places for flies, mosquitoes, vermin, or rodents.

(B) No person shall accumulate or permit the accumulation of any lumber, boxes, barrels, bottles, cans, bricks, stones, containers, old discarded appliances, old automobiles, rubber tires or similar objects, and/or materials including animal waste that constitute a substantial risk that it would afford harborage or breeding sites for flies, mosquitoes, vermin or rodents.

(C) Firewood and building materials or similar usable materials may be stored on a premises provided they are piled and stacked and elevated a reasonable height above the ground, but in no case less than six (6) inches.

3) Disposal of Garbage, Rubbish, and Debris

(A) No person shall place, leave, dump, or permit to accumulate any garbage, rubbish, debris, refuse or trash in any building or on any premises, improve or unimproved, occupied or unoccupied, or any lot, alley, roadway, stream, creek or open space in a manner that there is substantial risk that the same would provide food or harborage for rodents, attract, feed or provide breeding of flies, mosquitoes, or vermin or in any manner that would create a health or safety hazard.

(B) Open burning of garbage, rubbish, and debris shall be prohibited, except as provided for in Guilford County Solid Waste Ordinance.

~~(C) No person shall dispose of garbage, rubbish, and debris except as provided for in the Guilford County Solid Waste Ordinance.~~

~~(D) This section shall not be construed to prevent any person from properly disposing of garbage, rubbish, and debris from his own residence or business establishment by an approved, safe, lawful, and sanitary manner.~~

Commented [JJ5]: Covered in planning ordinance (Sect. 15.5.2 and 15.5.3)

1) Rodent Control

(A) All premises within Guilford County, whether developed or undeveloped, occupied or unoccupied, shall be free of rodent **infestations** and maintained in a rodent **infestation** free condition. Rodent harborage and conditions providing the harborage of rodents shall be eliminated by the property owner and/or occupant and where rodent infestation is evident, effective measures of rodent control shall be instigated by the property owner and/or occupant.

(B) The Health Director or designee shall make inspections of premises, private, or public, occupied or unoccupied, developed or undeveloped, to ascertain whether there is evidence of rodent infestation, rodent harborage, improperly stored food, garbage, or inadequate rodent control practices. When such conditions are found to exist, notice thereof shall be given and the party or parties responsible shall proceed to do all work necessary to comply with these regulations. This shall not apply to rodents properly contained and confined when kept as pets or for research purposes.

(C) No person, owner, occupant, tenant, or lessee of any public or private premises or any land, developed or undeveloped, shall permit uncontrolled vegetation to grow higher than twelve (12) inches when in the opinion of the Health Director such uncontrolled vegetation creates a substantial risk of being a harborage or breeding place for rodents and vermin to the extent that the public health is impaired. Lands zoned for, or in, active farming operation shall be exempt from this requirement.

Commented [JJ6]: This section moved from Uncontrolled Vegetation section and placed here due to the reference to harborage and breeding for rodents and vermin. This addresses the vegetation as a health issue when tied to rodents and vectors. This helps maintain the integrity of the document as a health ordinance not an ordinance of aesthetics. I have added the language regarding farming operations exemption and increased the height to 12 inches from 6 based on comparing to other municipalities ordinances (for example: Prince William County, VA and Columbia MO).

2) Mosquito Control

(A) No person, owner, occupant, tenant, lessee, or developer of any public or private premises shall permit the accumulation upon his/her premises of water in puddles, ponds, gutters, depressions, ditches, tires, containers, etc., for periods of time long enough to encourage mosquito breeding.

(B) The Health Director or their designee shall make inspections of premises, public or private, to ascertain whether there is mosquito breeding. When such conditions are found to exist, notice shall be given, and the responsible party or parties shall proceed to eliminate such conditions by draining and/or filling or in some manner eliminating the

standing water or apply such other methods as necessary to eliminate, prevent, and control mosquito breeding.

3) Animal and Pet Lots

(A) No person, owner, occupant, tenants, or lessee of public or private premises or any land, while providing for the care of animals or pets, shall permit the accumulation of food and water that it would provide a source of food and water for rodents, a source of food, water and harborage for flies, and a breeding source for mosquitos.

(B) No person shall allow the accumulation of animal wastes that constitutes a substantial risk that it would cause breeding places for flies and create odors that are offensive to the public.

(C) Feed for animals, pets, and fowl shall not be left in feed pans, troughs, and other feeder containers overnight unless such feeder equipment is made inaccessible to rodents. When feeding birds, the feed shall be on raised platforms or otherwise made inaccessible to rodents.

(D) Animal and Pet Lots shall be kept clean, animal waste shall be cleaned up daily, or in accordance with established agricultural practices and disposed of properly. Animal and pet lots should be limed when necessary to control odors.

Section IV - Safety Hazards

(A) No owner of any public or private premises or land, developed or undeveloped, shall permit the existence of an open abandoned well, pit, septic tank, or similar health and safety hazard, this includes a pit privy not in use, unless such a hazard is either filled or securely sealed in a manner approved by the Health Director to prevent easy access or enclosed within steel wire fence or equivalent, not less than six (6) feet in height with a gate or similar opening securely fastened or locked.

(B) All wells in Guilford County not in use must be permanently and properly abandoned in accordance with the Guilford County Rules and regulations Governing the Construction, Repair, and abandonment of Wells.

(C) All safety hazards referenced in (A) above that are secured by a six (6) foot fence to prevent easy access must be maintained in such a manner as to prevent harborage and breeding sites for rodents, mosquitos, and other vermin, and maintained in such a way as to adhere to the requirements of these regulations.

(D) All swimming pools must have enclosures that comply with existing State and/or local laws, rules, and ordinances.

Section V - Enforcement

(A) Any violation of these rules and regulations shall be deemed a danger and threat to the public health and shall be considered a nuisance and/or a hazard to public health and may be enforced as provided in Section I. (E) hereof.

(B) In addition, The Health Director may issue an Order of Abatement to the owner, occupant, tenant, or lessee of the premises where any violation of these regulations exists or occurs and to state the character of the violation. The person or persons notified shall have fifteen (15) days to abate the violation.

Section VI- Severability

If any provisions of these regulations are found to be invalid, such a finding shall not invalidate any other provision of these regulations.

Section VII- Right of Entry

Pursuant to authority granted by the North Carolina General Statutes 130A-17, the Health Director or designee shall have the right to enter at all reasonable times upon any and all premises of any place in which such an entry is necessary to carry out the provisions of these rules and regulations, it shall be unlawful for any person to resist a proper entry by the Health Director or designee.

Section VIII - Effective Date

These regulations shall be effective December 1, 1969.
Adopted by the Guilford County Board of Health on September 23, 1969.

~~As amended June 19, 2000.~~
~~Effective date July 1, 2000.~~
As amended October XX, 2021
Effective date October XX, 2021

~~Dot Lambeth~~
Melvin "Skip" Alston
Chairman Guilford County Board of Health