

CHAPTER TEN
HEALTH

ARTICLE 1 – BOARD OF HEALTH

- 10.0101 Members
- 10.0102 Regulations, Notice of

ARTICLE 2 – Contagious Diseases

- 10.0201 Duty of Health Officer
- 10.0202 Report Required of Disease
- 10.0203 Quarantine
- 10.0204 Fumigation
- 10.0205 Spreading Contagion
- 10.0206 Deliveries to Quarantined Premises
- 10.0207 Penalty

ARTICLE 3 - Garbage. Refuse. Rubbish

- 10.0301 Definitions
- 10.0302 Accumulation of Refuse Prohibited
- 10.0303 Containers
- 10.0304 Burning
- 10.0305 Nuisance
- 10.0306 City Collection
- 10.0307 Fees
- 10.0308 Fees - Payment – Collection
- 10.0309 Fees - Payment - Collection by Franchised Contractor
- 10.0310 Disposal of Refuse not Collected by the City
- 10.0311 Supervision
- 10.0312 Rules and Regulations

ARTICLE 4 - Dangerous Buildings

- 10.0401 Dangerous Buildings Defined
- 10.0402 Standards for Repairs Vacation or Demolition
- 10.0403 Dangerous Buildings – Nuisances
- 10.0404 Duties of Building Inspector
- 10.0405 Duties of the Wilton City Council
- 10.0406 Failure to Comply with Decision of the Council
- 10.0407 Violations - Penalty for Disregarding Notices or Orders
- 10.0408 Duties of the City Attorney
- 10.0409 Where Owner Absent from the City
- 10.0410 Duties of Fire, Police and Health Departments
- 10.0411 Appeal

APPENDIX 10-1

10.0101 **Members**

The Board of Health shall be (commissioned city) The Board of City Commissioners and the city health officer or city physician; (council city) Aldermen and the city health officer or city physician; who shall have and exercise all powers under the law.

10.0102 **Regulations, Notice of**

Notice shall be given by the Board of Health, pursuant to the laws of the State of North Dakota, of all general orders and regulations made by such board, by publishing the same in the official newspaper within the jurisdiction of the board, which publication shall be deemed a legal notice to all persons.

10.0201 **Duty of Health Officer**

He shall properly instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious and other diseases, and shall furnish each physician with the necessary blanks for that purpose, said blanks to be of the form prescribed by the State Board of Health. He shall keep a record of all dangerous, contagious and infectious diseases occurring within his jurisdiction, which record shall show the name and address of the party affected, the name of the disease, by whom reported, and such other statistical data as may be required by the State Board of Health, and shall perform such other duties as may be prescribed by the laws of the state and the ordinances of the city.

10.0202 **Report Required of Diseases**

Every physician called in to care for and treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same within twenty-four (24) hours after being called in to the Health Officer. In case no physician is in attendance it shall be the duty of the person to make a report within twenty-four (24) hours from the time the disease is recognized.

10.0203 **Quarantine**

The Health Officer shall have charge of the enforcement of the quarantine rules. He shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the health officer shall determine the time when the quarantine ends.

10.0204 **Fumigation**

Premises which have been quarantined in accordance with the terms of the preceding section shall be thoroughly fumigated or otherwise freed from all risk of contagious diseases, under the supervision of the Health Officer before the quarantine shall end.

10.0205 **Spreading Contagion**

It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same.

10.0206 **Deliveries to Quarantined Premises**

No person engaged in the delivery of food or drink intended for human consumption shall not enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine- and no such containers which has been left at such premises during the quarantine shall be placed in use for carrying food or drink until it has been thoroughly sterilized.

10.0207 **Penalty**

The violation of any other provisions of this article shall be punishable by a fine of not less than One and No/100 Dollars (\$1.00) or more than Five Hundred and NO/100 Dollars (\$500.00) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

10.0301 **Definitions**

For the purpose of this article the following words shall have the meanings given herein:

1. "Ashes" is the residue from burning wood, coal, coke or other combustible materials.
2. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. "Refuse" is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, animal wastes, abandoned automobiles, and solid market and industrial wastes.
4. "Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

10.0302 **Accumulation of Refuse Prohibited**

No person shall permit or suffer to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by that person, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.

10.0303 **Containers**

All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in watertight, galvanized metal containers of not less than ten (10) nor more than thirty-one (31) gallons net capacity, which container shall be kept clean and continuously closed by a tight-fitting cover and shall be protected against the access of flies and rodents. Containers shall be stored in racks of sufficient size to hold three containers at least eighteen (18) inches above the ground.

Containers for wet garbage shall have plastic disposable liners.

Containers shall be placed in the alley of those lots having access to any alley and along the curb if no alley is accessible. The city may specify where containers shall be placed along the alley or street for convenience of collection.

10.0304 **Burning**

No garbage, refuse or rubbish shall be burned within the city or in disposal grounds maintained by the city.

10.0305 **Nuisance**

Failure to comply with the provisions of Sections 10.0302, 10.0303 and 10.0304, herein contained shall constitute a public nuisance and be punishable as such under the terms of Chapter Twelve of these ordinances.

10.0306 **City Collection**

All garbage and rubbish as defined herein shall be collected by the city of franchised contractor as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible to do so and in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

10.0307 **Fees**

For the collection of garbage and rubbish by the city or franchised contractor and the disposal thereof there is hereby fixed and established the following schedule of monthly fees and charges:

1. For each water meter or family unit charge as established by the Water Department of the city in residence, the sum of \$12.00 shall be charged.
2. For each apartment house or residence building containing two (2) or more apartments, a fee of \$12.00 for each apartment building.
3. For each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, a minimum charge of set by contractor per month, plus such additional amount as may be fixed and determined by the board of the governing body after a study of the kind and quantity of the garbage and rubbish or other factors incident to the collection thereof are determined, a schedule of such charges shall be filed in the office of the City Auditor and be available for public inspection.
4. An extra charge may be made for removal of ashes, garbage, refuse and rubbish not in containers on a basis of nature, amount and clean-up time required for removal.
5. Where burial pits for dead animals are required to be dug, a fee of _____ per _____ pounds per animal shall be charged.
6. Fees shall be charged for private use of the dump grounds on a basis of nature and bulk.

All fees are to be billed to the owner of the property assessed, unless a _____ month deposit is made in advance by a tenant. This deposit may be returned to the tenant at his request after _____ years of regular payment of fees billed.

10.0308 **Fees - Payment – Collection**

In all places where water service is provided, the monthly charge set forth in the preceding section shall be added to and collected as a part of the water bill and collected by the water department, but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill, either monthly or quarterly as the case may be. If such charge is not paid when due the water service to such premises shall be shut off by the water department in the same manner as is now provided for in the case of delinquency in payment of water bills and such service shall not be restored without the payment of the penalties now provided for.

In all places where water service is not provided, the charges above set forth shall be paid to the Water Department of the city upon quarterly bills from the Water Department.

If the garbage and rubbish charge so established is not paid when due, such sum may be recovered by the city, in an action at law against the owner or occupant, or both, of the property so served.

The proceeds from the collection of the fees and charges shall be placed in the general fund, and all of the expense of the city, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, shall be paid out of the general fund.

10.0309 Fees - Payment - Collection by Franchised Contractor

In the event the city elects to franchise a contractor to perform the collection services contemplated by this section, collection of fees, limited as set out in this section, are to be made by the contractor. Failure to pay fees billed by the contractor within fifteen (15) days of billing and reporting of the failure to pay to the city shall release the contractor from collection responsibility regarding the delinquent premises. On being notified of delinquencies the city may avail itself of any or all of the collection provision of Section 10.0308.

10.0310 Disposal of Refuse not Collected by the City

All other wastes as defined, and not included under garbage, rubbish and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the City Health Officer; or, such person may arrange with some person not in their employ to collect or haul such wastes to such points as are designated by the City Health Officer. Hauling done by or for an individual may only be done in a covered container or covered truck box.

10.0311 Supervision

The collection, removal and disposal of garbage and rubbish under the provisions of this article, shall be under the supervision, direction and control of the City Auditor with the assistance of the City Health Officer. The City Auditor shall, unless there is a franchised contractor, appoint such employees as shall be necessary to carry out the purposes of this article, which appointments shall be subject to the approval of the governing body.

10.0312 Rules and Regulations

The Health Officer of the city shall prescribe such reasonable rules and regulations in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. He may direct that the city garbage and rubbish collection crews shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this code. In the absence of city collection crews the Health Officer may give instructions to a franchised contractor.

10.0313 **Designated Yard Waste Disposal Area.**

A designated area for lawn waste is provided for the citizens of Wilton. Only grass, leaves and decomposable garden waste are permitted in this area.

Logs, tree and bush branches, trunks, and stumps are prohibited in the lawn waste disposal area.

Violations shall be punishable by a fine of not less than Fifty and No/100 (\$50.00) or greater than Five Hundred and No/100 (\$500.00).

10.0401 **Dangerous Buildings Defined**

5. Those which have parts thereof which are so attached that they may fall and injure members of the public property.
6. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City.
7. Those buildings existing in violation of any provision of the building code, fire prevention code, electrical or plumbing codes or of other ordinances of this city.

10.0402 **Standards for Repairs. Vacation or Demolition**

The following standards shall be followed in substance by the building inspector and the governing body in ordering repair, vacation or demolition:

1. If the "dangerous building" can be reasonably repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
2. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupant it shall be ordered to be vacated.
3. If any case where a "dangerous building" is fifty percent (50%) damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation to the terms of this article it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the City or statute of the State of North Dakota, it shall be demolished.

10.0403 **Dangerous Buildings – Nuisances**

All "dangerous buildings" within the terms of Section 10.0401 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

10.0404 **Duties of Building Inspector**

The Building Inspector shall be the (usually the City Fire Chief) and he shall:

1. Inspect or cause to be inspected semiannually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of Section 10,0401 of this article .
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this City as probably existing in violation of the terms of this article.
4. Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the Register of Deeds of the Counties of McLean and Burleigh, or any building found by him to be a "dangerous

building" within the standards set forth in Section 10.0401 of this article that: (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, no exceeding thirty (30) days as may be necessary to do, or have done, the work or act required by the notice provided for herein .

5. Set forth in the notice provided for in subsection 4 hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition •as to comply with the terms of this ordinance within such length of time, not exceeding thirty (30) days, as is reasonable,
6. Report to the City Council any noncompliance with the "notice" provided for in subsections 4 and 5 hereof.
7. Appear at all hearings conducted by the Wilton City Council and testify as to the conditions of "dangerous buildings".
8. Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building and all other persons having an interest in said building as shown by the records of the Register of Deeds of the County of McLean or Burleigh. It is unlawful to remove this notice until such notice is complied with.

10.0405 **Duties of the Wilton City Council**

The Wilton City Council shall:

1. Upon receipt of a report of the Building Inspector as provided for in Section 10.0404, subsection 6 hereof, give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the Register of Deeds of the County of McLean or Burleigh, to appear before it on the date specified in the notice to show cause why .the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Section 10.0404, subsections.
2. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the Register of Deeds of the County of McLean or Burleigh shall offer relative to the "dangerous building".
3. Make written findings of fact from the testimony offered pursuant to subsection 2 as to whether or not the building in questions is a "dangerous building" within the terms of section 10,0401 hereof.
4. Issue an order based upon findings of fact made pursuant to subsection 3 commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the Register of Deeds of the County of McLean or Burleigh, to repair, vacate or demolish any building found to be a "dangerous building"

within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building".

10.0406 Failure to Comply with Decision of the Council

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Council or fails to appear to the District Court within thirty (30) days as provided herein, the city through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the Council and shall cause the costs of such repair, vacation or demolition to be charged against the land on which said building existed by special assessment, or as a municipal lien, or shall cause said cost of removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner .

10.0407 Violations - Penalty for Disregarding Notices or Orders

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this article to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding Five Hundred and no/100 Dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order as above stated shall be deemed a separate offense .

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given as provided for in this article shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding Five Hundred and no/100 Dollars (\$500.00) for each offense and every day subsequent to such notice in which the said occupant or lessee shall fail to comply with any notice or order as above stated, shall be deemed a separate offense.

Any person removing the notice provided for in Section 10.0404, subsection 8 thereof shall be guilty of an infraction and upon conviction shall be fined not exceeding Five Hundred and no/100 Dollars (\$500.00) for each offense.

10.0408 Duties of the City Attorney

The City Attorney shall:

1. Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 10.0404, subsections 4 and 5 and the order provided for in Section 10.0405, subsection 4.
2. Appear at all hearings before the Wilton City council in regard to "dangerous buildings".
3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

10.0409 Where Owner Absent from the City

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notice or orders provided for herein shall be sent by registered or

certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of McLean or Burleigh to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

10.0410 **Duties of Fire, Police and Health Departments**

All employees of the Fire, Police and Health Departments shall make written reports to the Building Inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" as herein defined.

10.041 **Appeal**

The governing body shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in such building so ordered repaired, vacated or demolished, a copy of its order, such notice to be served upon such owner, occupant, mortgagee or lessee shall thereafter have thirty (30) days from the date of the service of such order upon him in which to appeal from such order to the District Court of McLean or Burleigh County, North Dakota, to take such other legal steps to enjoin the enforcement of such order as he may deem proper.

Any person desiring to appeal from any order issued by the Council under and by virtue of this article shall file an undertaking in the sum of at least Five Hundred and no/100 Dollars (\$500.00) to be approved by the City Auditor and conditioned that the appellant will prosecute the appeal without delay and will pay all costs that may be adjudged against him in the District Court. Such undertaking shall be payable to the City.

APPENDIX 10-1

INTHEMATTEROF "DANGEROUSBUILDINGS"
LOCATED ATWILTON, NORTHDAKOTA
UNDER ARTICLE 4, CHAPTER TEN

NOTICEOFHEARING

You are hereby notified that the Building Inspector of Wilton, North Dakota, has filed with the Wilton City Council a report that you have not complied with a Notice and Order Issued by him that buildings located at _____ were dangerous buildings and were to be demolished by you prior to _____, 20____.

You are further notified to appear before the Wilton City Council at the City Hall on the _____ day of _____, 20__, at the hour of _____ o'clock PM to show cause, if any you have, why said building reported to be a "dangerous building" should not be demolished in accordance with the statement of particulars set forth in the Building Inspector's Notice.

Dated _____, 20____.

THE CITY OF WILTON, NORTH DAKOTA

Attest:

By _____
Mayor

City Auditor