

TITLE 10
HEALTH

Chapter

- 10-01 Board of Health
- 10-02 Contagious Diseases
- 10-03 Garbage, Refuse, Rubbish
- 10-04 Minimum Housing Code
- 10-05 Dangerous Buildings

CHAPTER 10-01
BOARD OF HEALTH

Section

- 10-0101 Members
- 10-0102 Regulations, Notice of

10-0101. Members. The Board of Health shall be composed of four Aldermen and the city health officer 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.

CHAPTER 10-02
CONTAGIOUS DISEASES

Section

- 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

10-0201. Duty of Health Officer. He shall properly instruct the physician 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 Disease. Every physician called in to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same within 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 in charge or having the care of such person to make a report within 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 other wise freed from all risk of contagious disease, 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 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 container 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.

CHAPTER 10-03

GARBAGE, REFUSE, RUBBISH

Section

10-0301	Definition
10-0302	Accumulation of Refuse Prohibited
10-0303	Containers
10-0304	City Collection
10-0305	Fees
10-0306	Payment and Collection of Fees
10-0307	Burning Prohibited
10-0308	Disposal of Refuse Not Collected by the City
10-0309	Supervision
10-0310	Rules and Regulations
10-0311	Disposal Grounds
10-0312	Unlicensed Haulers

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, 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 him, or for which he may be agent, within the city limits, 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 twenty nor more than thirty-one gallons net capacity and equipped with handles so that they may be lifted by one man, 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. Commercial establishments may use such containers that are suitable to be emptied hydraulically in lieu of the aforesdescribed containers.

10-0304 City Collection. All garbage and rubbish as defined herein shall be collected by the city twice weekly, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in temporary condition which makes it impossible so to do 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.

Revised 10-0305 Fees. For the collection of garbage and rubbish by the city and the disposal thereof there is hereby fixed and established the following schedule of monthly fees and charges:

- a. For each water meter or family unit charge as established by the water department of the city in a residence, the sum of \$2.00 shall be charged.
- b. For each residence building containing one or more apartments, the sum of \$2.00 shall be charged for the initial residence and the sum of \$1.00 for each additional apartment occupied.
- c. For each apartment house, the sum of \$1.00 shall be charged for each apartment occupied.
- d. For each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, a minimum charge of \$1.00 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.
- e. In addition to the foregoing fees, a quarterly charge of \$1.00 shall be billed against all water meters as well as against any premises where garbage collection service is provided but where water service is not provided. Such fees shall be accumulated in a fund designated as "Garbage Landfill Reserve" and shall be expended only for such purpose.

10-0306 Payment and Collection of Fees. In all places where water service is provided, the charges 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.

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 set forth in Section 10-0305, with the exception of the "Garbage Landfill Reserve" charge shall be

placed in the Water Fund and designated as the Garbage Fund in said Water Fund, and all of the expense of the city, in the purchase and maintenance of equipment, in the leasing of disposal area, in the covering of the disposal area, and in the collection and disposal of garbage and rubbish, shall be paid out of this fund.

10-0307 Burning Prohibited. It shall be unlawful to burn refuse as defined in Section 10-0301 herein, within the City limits.

10-0308 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.

10-0309 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 water superintendent with the assistance of the city health officer and the Chief of Police.

10-0310 Rules and Regulations. The city health officer shall prescribe and publish 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 contractor 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.

10-0311 Disposal Grounds. The City health officer is hereby authorized to designate the location or places to which all wastes referred to in this article shall be hauled, deposited or disposed of. The City shall have the power and authority to purchase or lease in the name of the City such lands as are necessary for disposal of ashes, garbage, refuse and rubbish and to purchase or lease such equipment as may be necessary for such purpose.

10-0312 Unlicensed Haulers. It shall be unlawful for any person or any agent or employee thereof to collect or transport or carry on or convey through, along or upon any public street, alley or sidewalk within the city, any rubbish, ashes and other wastes, except such person as may be authorized, licensed or permitted so to do under the provisions of this article.

Nothing herein contained shall be construed as prohibiting the hauling of such wastes by authorized city employees or by persons from their own premises and not for hire or compensation; provided, however, that all such wastes shall be hauled and disposed of in accordance with such regulations as may from time to time be issued by the city health officer and the ordinances pertinent thereto.

No refuse shall be hauled on the streets of the City of Hebron unless the same is contained in such metal receptacles as hereinbefore described, with covers tightly fitted thereon, or unless hauled in trucks, trailers, or vehicles which are covered in such manner as to prevent the scattering of such refuse upon the streets. All refuse shall be disposed of in the place provided by the City of Hebron for such purpose and at such time and in such manner as may be provided for by the city health officer or the governing board.

CHAPTER 10-04

MINIMUM HOUSING CODE

Section

- 10-0401 Definitions
- 10-0402 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises
- 10-0403 Minimum Requirements for Dwelling Units
- 10-0404 Dwelling Unit Unfit for Human Habitation
- 10-0405 Rooming Houses
- 10-0406 Basement--Cellars
- 10-0407 Responsibility of Owners and Occupants
- 10-0408 Duties of Occupants
- 10-0409 Occupancy and Overcrowding
- 10-0410 Applicability of the City Building Code
- 10-0411 Substandard Buildings or Dwelling Units, Nuisance
- 10-0412 Enforcement; Service of Notice and Order, and the City Health Officer's Duties of
- 10-0413 Duties of Governing Board
- 10-0414 Failure to Comply with the Decision of the Board
- 10-0415 Penalty for Disregarding the Notice and Order
- 10-0416 Duties of City Attorney
- 10-0417 Where Owner Absent from the City
- 10-0418 Emergency Action by the City Health Officer
- 10-0419 Appeal
- 10-0420 Enforcement of Interpretation
- 10-0421 Penalties
- 10-0422 Unconstitutionality Clause

10-0401 Definitions. The following definitions shall apply to the interpretation and enforcement of this article.

- a. Basement shall mean a story of a building located partly underground, but having less than two-thirds of its clear floor-to-ceiling height below outside grade.
- b. Ceiling shall mean the interior overhead surface of a room.
- c. Cellar shall mean a story of a building located partly or wholly underground and having more than two-thirds of its clear floor-to-ceiling height below outside grade.

- d. City Health Officer shall mean the legally designated health authority of the city or authorized representative.
- e. Dwelling shall mean any building, structure, or parts thereof used and occupied for human habitation, or intended to be so used, and includes appurtenances and utilities belonging thereto or usually enjoyed therewith.
- f. Dwelling unit shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.
- g. Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by depriving or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or any other recognized and legal pest elimination methods approved by the city health officer.
- h. Family shall mean one or more persons occupying a dwelling or dwelling unit and living as a single nonprofit unit.
- i. Garbage shall mean the animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.
- j. Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes.
- k. Infestation shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
- l. Meaning of certain words. Whenever the words dwelling, dwelling unit, rooming house, rooming unit, or premises are used in this article they shall be construed as though they were followed by the words "or any part thereof". Whenever the masculine pronoun is used it shall also mean the feminine pronoun.
- m. Multiple dwelling shall mean any structure or building containing more than one dwelling unit.
- n. Occupant shall mean any person, over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling or dwelling unit or rooming unit.
- o. Operator shall mean any person who has charge, care, or control of a building or parts thereof, in which dwelling units or rooming units are let.
- p. Owner shall mean any person who alone, jointly, or severally with others: (a) shall have legal title to any dwelling or

dwelling unit, with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of owner, as an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

- q. Person shall mean and include any individual, firm, corporation, association, or partnership.
- r. Plumbing shall mean and include all of the following supplied facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- s. Repair shall mean to restore to good condition.
- t. Rooming house shall mean a dwelling in which more than two rooms are let for hire, or more than four persons are given lodging for compensation.
- u. Rubbish shall mean combustible and noncombustible materials, except garbage, and the terms shall include the residue from the burning of wood, coke, and other combustible material such as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery, and dust.
- v. Substandard shall mean any dwelling, dwelling unit, or premises violating any provisions of this article.
- w. Supplied shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- x. Temporary housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system and located on the same premises for more than thirty (30) consecutive days.

10-0402. Inspection of Dwellings, Dwelling Units, Rooming Units and Premises

The city health officer is hereby authorized and directed to make inspections to determine the conditions of all dwellings, dwelling units, rooming units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of such dwellings and of the general public.

For the purpose of making such inspections the city health officer is hereby authorized to enter, examine, and survey at reasonable times all dwellings, dwelling units, rooming units, and premises.

The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof shall give the city health officer access to such dwelling, dwelling unit, rooming unit and its premises, at reasonable times for the purpose of inspection.

Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, or its premises, at reasonable times for the purposes of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this or any lawful order issued pursuant to the provisions of this article.

10-0403. Minimum Requirements for Dwelling Units. No person shall occupy as an owner, occupant, or let to another for occupancy any dwelling unit for the purpose of living, sleeping, or eating therein, which does not comply with the following requirements:

A. Lighting and Ventilation

1. Each habitable room, including toilets and bathroom shall have not less than one window. The window area in each of the said rooms shall have not less than (10) percent of the floor area in glass and at least one-half of the minimum allowable window area shall be designed, built, and maintained so that it may be opened for the admission of outside air.
2. Every public hall and stairway in every two-family dwelling, multi-family dwelling, and rooming house shall be adequately ventilated.
3. The city health officer, upon presentation of plans and specifications for a mechanical ventilation system showing that the same provides fresh air equivalent to or better than which would be provided by the window installation provided in subsection 1 above, may authorize the use of such mechanical ventilation system in lieu thereof. Any such mechanical ventilation system shall be maintained in good working and operating condition at all times.
4. The windows in all habitable rooms shall open directly upon a yard, alley, street, or court. In case of windows on courts, there shall not be less than three (3) feet of clear space between the outside of the windows and property line.
5. All windows, doors, and other apertures opening to the outside or to other unscreened areas shall be equipped with screens of Number 16 mesh or finer and the same shall be installed and maintained with no loose frames or edges and free from breaks and tears. During the fly season, such screens being installed from May 9 to October 1 of each year.

B. Electrical Facilities

1. Electrical lighting fixtures. Every public hall and stairway in every two-family dwelling, multi-family dwelling, and rooming house shall be adequately lighted at all times except that such lighting system be turned off by conveniently located switches during the daylight hours.
2. Every dwelling within three hundred (300) feet of a power line shall be supplied with electricity.
3. Every existing habitable room shall contain at least two separate floor-to-wall type electrical convenience outlets and one ceiling type electrical light fixture. Every kitchen shall contain two twenty (20) amp outlets.
4. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall type electrical light fixture.
5. Every outlet and fixture shall be properly installed and maintained to a good working condition.

C. Plumbing and Sewage

1. Each dwelling unit shall be provided with not less than one kitchen sink properly connected to an approved water supply and a sewage system, all in good working condition. Each dwelling unit shall have access to a full bathroom. A full bathroom shall consist of at least one stool, one lavatory, one bathtub or shower; not more than two dwelling units or eight (8) persons may share one full bathroom. Each bathroom shall be enclosed by walls, ceiling, and doors to afford privacy.
2. All joints, pipes, valves, and connections of all plumbing and sewers shall be installed in accordance with the State Plumbing Code and be maintained in good working condition.
3. The sink, tub bath or shower bath, and flush type water closet herein required shall be accessible without leaving the shelter of the building in which the dwelling unit is located and without passing through any other dwelling unit.
4. Floors and walls in any room where the required sink, bathtub or shower bath, and flush type water closet are installed shall be built and maintained so as to be reasonably impervious to water.
5. Every kitchen sink, lavatory, shower or bathtub, and basin shall be connected to both hot and cold running water and the hot water heating facilities shall be capable of providing hot water at least 120 F. at each required hot water faucet.

D. Heating

1. Every dwelling or dwelling unit shall have heating facilities which are properly installed, maintained in safe and good working conditions, and be capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 F. at a distance of three (3) feet above the floor level, under ordinary minimum winter conditions.

E. General Conditions

1. Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, rodent-proof, and shall be capable of affording privacy and shall be kept in good repair
2. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, rodent-proof, and shall be kept in sound working condition and good repair.
3. Yards adjacent to any dwelling shall be graded to drain water off the lot or into a drainage system on the lot; no standing or stagnant pools of water shall be permitted on any yard or lot.
4. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in a satisfactory working condition.
5. No owner, operator, or occupant shall cause any service facility, equipment, or utility which is required under this article to be removed from, shut off, or disconnected in any occupied building or dwelling unit except for such temporary interruption as may be necessary while actual repairs or alterations are in the process or during temporary emergencies.
6. Porches, exterior stairways, steps, walkways, and sidewalks shall be in good repair and free from hazards.
7. Out buildings, retained walls, fences, and accessory buildings shall comply with the provisions of this article regarding repair, maintenance and usage.
8. Every dwelling unit shall be provided with approved, safe and unobstructed means of egress and shall comply with the applicable provisions of the City Building Code and the Fire Prevention Code and the rules and regulations adopted pursuant thereto.
9. Dwelling units shall have access available to bedrooms or bathrooms through hallways or other means to assure the privacy of the occupants.