CHAPTER 10
HEALTH PROTECTION

ARTICLE 1. HEALTH OFFICERS

Section 10-101 Board of Health
10-102 City Health Officer - Appointment, Term of Office, Removal
10-103 Officers of City Board of Health
10-104 Time of Meetings - Quorum - Duties of Officers
10-105 Powers and Duties of City Health Officer
10-106 Report of Health Activities by Health Officer and City Physician
10-107 Powers and Duties of Local Board of Health
10-108 Publication of Regulations Established by Local Board of Health
10-109 Abatement and Removal of Nuisance, Source of Filth, and Cause of Sickness-Cost Charged Against Property
10-110 Assessment of Costs for Removal of Nuisance Against Property -How Made
10-111 Removal of Nuisance - Complaint to County Judge - When Warrant Issued
10-112 Expenses of Board of Health - How Audited and Paid
10-113 Expenses of Board of Health Chargeable Against Patient - Payment by County for Indigents
10-114 City Health Officer to Make Reports Before Salary Paid
10-115 Obstructing, Health Officer - Penalty
10-116 Violation of Orders of Board of Health - Obstructing Inspection - Penalty
10-117 Special Regulations, to be Obeyed

ARTICLE 2. CONTAGIOUS DISEASES

Section 10-201 Contagious or Infectious Diseases - Power of Local Board of Health to Quarantine
10-202 Who to Report Reportable Diseases
10-203 City Health Officer to Report Reportable Disease to State Department of Health
10-204 Venereal Diseases - Additional Powers and Duties of Health Officer - Report Cases of Venereal Disease
10-205 Persons in Jail Examined and Treated for Venereal Disease
10-206 Venereal Diseases - Persons Isolated in Jail - Exceptions
10-207 Duty of Parent to Report to Health Officer
10-208 Health Officer to Place Reported Infant in Charge of Physician
10-209 Contagious or Infectious Diseases - Board May Establish Temporary Hospital
10-210 Contagious or Infectious Diseases - Board May Destroy or Disinfect Infected Clothing
10-211 Removal of Person Afflicted with Contagious or Infectious Disease - Removal of Person who Died of Such Disease - Prohibited
10-212 Child Having Contagious or Infectious Disease Prohibited from Attending School
10-213 Inoculation Required Before Admission to School
10-214 Physician to Report Death from Contagious or Infectious Disease to Board of Health
10-215 Penalties

ARTICLE 3. THE HANDLING AND DISPOSAL OF WASTE AND OTHER ARTICLES IN THE CITY OF WAHPETON, NORTH DAKOTA, AND AFFIXING PENALTIES FOR VIOLATION OF THE SAME

Section 10-301 Definitions
10-302 Mode of Transportation
10-303 Dealing in Recyclables
10-304 Regulating Disposal of Garbage, Rubbish, Refuse and Other Articles
10-305 Provision for Sealed Receptacle or Container
10-306 Garbage Collection Not Required Where Streets in Temporary Impassable Condition
10-307 Setting of Charges
10-307.1 Municipal Waste Disposal Contract
10-308 Operation of Department of Sanitation
10-309 Residents of City Required to Pay Charges for Garbage Disposal
10-310 Payment of Charges and Penalties
10-311 Licensed Required
10-312 Classification of Licenses, Definitions and License Fees
10-313 Time of Payment, Renewal
10-314 Limitation of Interests
10-315 Individuals
10-316 Renewal
10-317 No Property Value, Assignment
10-318 Qualifications Required for a License
10-319 Applications
10-320 Change of Information, Violation
10-321 Records to be Kept and Maintained
10-322 Enforcement, Violation, Suspension or Revocation
10-323 Unauthorized Use
10-324 Use of City Compost Collection Sites
10-325 General Penalty

ARTICLE 4. CONTROL OF RAT BORNE DISEASE

Section 10-401 Definitions
10-402 Buildings to be Freed of Rats
10-403 Rat Proofing Must be Done on Notice or Order
10-404 Improvements to be Made, When
10-405 Premises to be Kept in Rat Proof Condition
10-406 Health Officer: To Make Inspection, When
10-407 Same: May Require New Floors
10-408 Unlawful to Remove Rat Proofing
10-409 If Repaired or Remodeled Must be Rat Proof
10-410 Food and Feeds to be Stored Under Rat Proof Conditions
10-411 Provisions for Storage of Garbage, Refuse, Dead Animals
10-412 Unlawful to Collect Garbage, Rubbish, Trash, When
10-413 Unlawful to Collect Lumber, Boxes, Other Materials, When
10-414 Health Officer to Approve Rat Proofing Work
10-415 Purpose of Article

ARTICLE 5. MINIMUM HOUSING CODE

Section 10-501 Definitions
10-502 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises
10-503 Minimum Requirements for Dwelling Units
10-504 Dwelling Unit Unfit for Human Habitation
10-505 Rooming Houses
10-506 Applicability of Previous Sections and Subsections
10-507 Responsibility of Owners and occupants
10-508 Duties of Occupants
10-509 Occupancy and Overcrowding
10-510 Applicability of the City Building Code
10-511 Substandard Buildings or Dwelling Units, Nuisance
10-512 Duties of City Council
10-513 Failure to Comply with the Decision of the City Council
10-514 Violations: Penalty for Disregarding the Notice and Order
10-515 Duties of the City Attorney
10-516 Where Owner Absent from the City
10-517 Emergency Action by the City Health Officer
10-518 Appeal
10-519 Enforcement of Interpretation
10-520 Penalties
10-521 Unconstitutionality Clause

ARTICLE 6. SWIMMING POOLS

Section 10-601 Short Title
10-602 Definitions
10-603 City Engineer Construction Permit and Approval
10-604 Plans to be Submitted to City Engineer
10-605 Enclosure of Swimming Pool
10-606 Safety of Bathers
10-607 License to Operate
10-608 Revocation of License
10-609 Bathers with Communicable Diseases
10-610 Sanitation of Premises
10-611 Cleaning Pool
10-612 Interference with Enjoyment of Property Rights Prohibited
10-613 Shielding Lights
10-614 Unnecessary Noise
10-615 Fees
10-616 Polluted Water

ARTICLE 7. MISCELLANEOUS

Section 10-701 Nuisances: Not Permitted on Premises
10-702 Same: Notice to Abate, Failure to Abate
10-703 Same: Chief of Police to Report
10-704 Dead Animals not to be Left or Deposited in City
10-705 Foul and Nauseous Liquors not Allowed on Ground
10-706 Ashes, Dumping of, Unlawful Where
10-707 Cellar, Vault, Drain, Etc., not Allowed to Become Nauseous

10-708 Lots, etc.: To Be Kept Clean
10-709 Same: Notice Clean Up
10-710 Same: Failure to Clean Up

ARTICLE 8. ANTI-LITTER

Section 10-801 Definitions
10-802 Litter in Public Places
10-803 Placement of Litter in Receptacles so as to Prevent Scattering
10-804 Sweeping Litter into Gutters Prohibited
10-805 Merchants' Duty to Keep Sidewalks Free of Litter
10-806 Litter Thrown by Person in Vehicles
10-807 Truck Loads Causing Litter
10-808 Litter in Parks
10-809 Litter in Lakes and Fountains
10-810 Throwing or Distributing Commercial Handbills in Public Places
10-811 Placing Commercial and Non-Commercial Handbills on Vehicles
10-812 Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises
10-813 Prohibiting Distribution of Handbills Where Properly Posted
10-814 Distributing Commercial and Non-Commercial Handbills at Inhabited Private Premises
10-815 Dropping Litter from Aircraft
10-816 Posting Notices Prohibited
10-817 Litter on Occupied Private Property
10-818 Owner to Maintain Premises Free of Litter
10-819 Litter on Vacant Lots
10-820 Clearing of Litter from Open Private Property by City
10-821 Penalties
10-822 Separability

ARTICLE 9. CONTROL OF MOSQUITO BREEDING SITES

Section 10-901 Stagnant Water and Noxious Weeds - Control of
10-902 Duty to Drain Stagnant Water, Fill Excavations, and Remove Weeds
10-903 Notice to Clean Up, Give by Whom
10-904 Failure to Clean Up

ARTICLE 10. PENALTY

Section 10-1001 Saving Clause
10-1002 Injurious Acts not Expressly Forbidden
10-1003 Penalty for Violation of Chapter

INDEX AND ANALYSIS TO SECTIONS

ARTICLE 1. HEALTH OFFICERS

Section 10-101 Board of Health
10-102 City Health Officer - Appointment, Term of Office, Removal
10-103 Officers of City Board of Health
10-104 Time of Meetings - Quorum - Duties of Officers
10-105 Powers and Duties of City Health Officer
10-106 Report of Health Activities by Health Officer and City Physician
10-107 Powers and Duties of Local Board of Health
10-108 Publication of Regulations Established by Local Board of Health
10-109 Abatement and Removal of Nuisance, Source of Filth, and Cause of Sickness, Cost Charged Against Property
10-110 Assessment of Costs for Removal of Nuisance Against Property – How Made
10-111 Removal of Nuisance – Complaint to County Judge – When Warrant Issued
10-112 Expenses of Board of Health - How Audited and Paid
10-113 Expenses of Board of Health Chargeable Against Patient – Payment by County for Indigents
10-114 City Health Officer to Make Reports Before Salary Paid
10-115 Obstructing, Health Officer – Penalty
10-116 Violation of Orders of Board of Health – Obstructing Inspection - Penalty
10-117 Special Regulations, to be Obeyed

ARTICLE 1. HEALTH OFFICERS

10-101 BOARD OF HEALTH

The Board of Health for the City of Wahpeton shall be under the supervision of the State Department of Health and shall consist of the following members:

1. Four (4) aldermen appointed by the Mayor at the first meeting of the City Council in April of each year;

2. The City Engineer; and

3. The City Health Officer.

Source: NDCC 23-04-01

10-102 CITY HEALTH OFFICER - APPOINTMENT, TERM OF OFFICE, REMOVAL

The Mayor, at the regular meeting of the City Council in April of each odd numbered year, shall appoint as City Health Officer a person licensed to practice medicine and surgery within this State. Such appointment shall be subject to confirmation by the City Council. The Health Officer shall hold his office for two (2) years and until his successor is appointed and qualified. When the State Department of Health is satisfied that the City Health Officer is neglecting or refusing to perform the duties of his office, it may report the case to the City Council, and at the next meeting thereof, the Mayor shall declare the office vacant and shall appoint another physician to fill the unexpired term.

Source: NDCC 23-04-02

10-103 OFFICERS OF CITY BOARD OF HEALTH

The Board of Health shall elect from its members a President and Vice-President. The City Health Officer shall act as Secretary and Executive Officer of the Board.

Source: NDCC 23-04-03

10-104 TIME OF MEETINGS - QUORUM - DUTIES OF OFFICERS

The Board of Health shall meet on the first Tuesday after the regular meeting of the City Council in April and on the second Tuesday in July, October, and January in each year. Special meetings may be held at any time on the call of the President and Secretary. The hour and place of all meetings shall be determined by the City Health Officer. A majority of the Board shall constitute a quorum. The President shall preside at the meetings of the Board, and in his absence, the Vice-President shall perform the duties of the President.

Source: NDCC 23-04-04

10-105 POWERS AND DUTIES OF CITY HEALTH OFFICER

The Health Officer shall:

1. Keep a record of the proceedings of the City Board of Health;

2. Keep a record of his official acts;

3. Enforce within his jurisdiction the health ordinances of the City, the rules and

regulations of the State Department of Health and of the City Board of Health, and the health laws of the State;

4. Instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious diseases, and furnish the necessary blanks for that purpose. The blanks shall be in the form prescribed by the State Department of Health;

5. Keep a record of all the dangerous, contagious, and infectious diseases occurring within his jurisdiction, showing the name and address of the part affected, the name of the disease, by whom the same was reported, and such other statistical data as may be required by the State Department of Health.

Source: NDCC 23-04-05

10-106 REPORT OF HEALTH ACTIVITIES BY HEALTH OFFICER AND CITY PHYSICIAN

The City Health Officer shall report to the State Department of Health on or before the 15th day of January each year, on blanks furnished by the Department for that purpose, all health activities in his jurisdiction during the calendar year just ended.

Source: NDCC 23-04-09

10-107 POWERS AND DUTIES OF LOCAL BOARD OF HEALTH

The Board of Health shall have the following powers and duties within its jurisdiction:

1. To employ such persons as may be necessary to carry into effect the regulations established by it and the provisions of this Chapter;

2. To inquire into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as are necessary for the public health and safety;

3. To adopt such quarantine and sanitary measures as are necessary when an infectious or contagious disease exists in its jurisdiction;

4. To provide such necessaries of life as in its judgment shall be needed for the maintenance, welfare, and comfort of persons afflicted with contagious and infectious diseases;

5. To enter into and examine at any time all buildings, lots, and places of any description within its jurisdiction for the purposes of ascertaining the conditions thereof in so far as public health may be affected; and

6. To make such rules and regulations as are necessary and proper for the preservation of public health and safety.

Source: NDCC 23-05-01

10-108 PUBLICATION OF REGULATIONS ESTABLISHED BY LOCAL BOARD OF HEALTH

Notice of general orders and regulations made by the Board of Health shall be published once in the official newspaper published within the jurisdiction of the Board.

Source: NDCC 23-05-03

10-109 ABATEMENT AND REMOVAL OF NUISANCE, SOURCE OF FILTH,

AND CAUSE OF SICKNESS-COST CHARGED AGAINST PROPERTY

When it is necessary for the protection of the public health to abate or remove any nuisance, source of filth, or cause of sickness found on private property, the Board of Health shall cause a notice to be served on the owner or occupant thereof requiring him to remove the same at his own expense within a reasonable time, not to exceed twenty-four (24) hours. If the owner or occupant refuses or neglects to comply with such notice or if the nuisance, source of filth, or cause of sickness exists on the property of nonresident owners or upon property the owners of which cannot be found, the Board of Health shall cause the nuisance, source of filth, or cause of sickness to be removed or destroyed under its direction, at the expense of the City, but such expense shall be charged against the lots, pieces, or parcels of land upon which the work was done or be recovered by a suit at law.

Source: NDCC 23-05-04

10-110 ASSESSMENT OF COSTS FOR REMOVAL OF NUISANCE AGAINST PROPERTY - HOW MADE

The cost of the removal or destruction of a nuisance, source of filth, or cause of sickness by the Board of Health shall be assessed against the property by the City Engineer, who shall return the assessment and file it in the office of the City Auditor. The City Auditor shall cause the amount of the assessment, together with a notice of the time when and place where the City Council will meet to consider the approval thereof, to be published in one (1) issue of the official newspaper of the City at least ten (10) days prior to the meeting of the City Council at which the approval of the assessment will be considered. If the assessment is approved by the City Council, the City Auditor shall deliver the assessment roll to the County Auditor, who shall extend the assessment in the proper column against the property assessed. Each assessment shall be collected and paid as other taxes are collected and paid.

Source: NDCC 23-05-05

10-111 REMOVAL OF NUISANCE - COMPLAINT TO COUNTY JUDGE - WHEN WARRANT ISSUED

Whenever the Board of Health deems it necessary for the preservation of the public health to enter any building within its jurisdiction to examine, destroy, remove, or prevent any nuisance, source of filth, or cause of sickness and is refused entrance into such building, any member of the Board may make complaint under oath to the County Judge within the jurisdiction of the Board, stating the facts in the case so far as he has knowledge thereof. The Judge thereupon shall issue a warrant directed to the Sheriff or other peace officer commanding him to destroy, remove, or prevent, between the hours of sunrise and sunset, the nuisance, source of filth, or cause of sickness, under the direction of such members of the local Board of Health as accompany him.

Source: NDCC 23-05-06

10-112 EXPENSES OF BOARD OF HEALTH - HOW AUDITED AND PAID

Expenses incurred by the Board of Health in carrying into effect the provisions of this Chapter and in providing for the care and maintenance of persons afflicted with contagious and infectious disease shall be audited and allowed by the Board incurring the same and certified for payment in the manner following:

Such expenses shall be certified to the City Council for payment out of the General Fund of the City, in the same manner as other expenses against the same are paid.

Source: NDCC 23-05-07

10-113 EXPENSES OF BOARD OF HEALTH CHARGEABLE AGAINST

PATIENT - PAYMENT BY COUNTY FOR INDIGENTS

All expenses incurred by the Board of Health for the care, medical attendance, or support of any person afflicted with a communicable disease shall be a charge upon such person and upon the person legally chargeable with his support, and may be collected by suit in the name of the City. If, after due investigation, the Board of Health is satisfied that such sick person, or the person legally chargeable with the support of such person, is too poor to pay the expenses incurred in his behalf, the Board of Health shall make an endorsement to such effect on the bill of expenses incurred in the case, and the City Auditor shall send a certified statement of the bill of expenses with the endorsement of the Board of Health to the County Auditor. The statement shall contain the date upon which the claim was allowed, to whom it was allowed, for what purpose it was allowed, and the amount allowed, and an itemized statement of the expenses incurred. Upon receipt of the statement, the County Auditor shall refer the same to the County Board of Health, and if approved by the County Board of Health, the County Auditor shall issue his warrant upon the County Treasurer, payable out of the General Fund of the County, for the amount allowed by such City. The warrant shall be made payable to the City Auditor.

Source: NDCC 23-05-08

10-114 CITY HEALTH OFFICER TO MAKE REPORTS BEFORE SALARY PAID

The City Health Officer shall not be paid his salary for the last month in any year until the County Auditor has received a certificate from the State Department of Health certifying that all required reports from such Officer have been received and approved by the Department.

Source: NDCC 23-05-09

10-115 OBSTRUCTING, HEALTH OFFICER - PENALTY

Every person who opposes or obstructs the performance of the legal duty of the City Officer or any physician charged with the enforcement of the health laws is guilty of a Class B misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

Source: NDCC 23-05-11

10-116 VIOLATION OF ORDERS OF BOARD OF HEALTH - OBSTRUCTING INSPECTION - PENALTY

Every person who violates, or refuses to comply with, any lawful order, direction, prohibition, or regulation prescribed by the Board of Health or Health Officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is guilty of a Class B misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

Source: NDCC 23-05-12

10-117 SPECIAL REGULATIONS, TO BE OBEYED

Every person shall observe and obey each and every special regulation and every order of the Board of Health that is or may be made for carrying into effect any of the foregoing Sections or any law of this State or otherwise, whether issued directly by the Board of promulgated by the Health Officer, as if the same had been herein inserted at length.

Source: R.O.W., 1942
Section 10-417

INDEX AND ANALYSIS TO SECTIONS

ARTICLE 2. CONTAGIOUS DISEASES

Section 10-201 Contagious or Infectious Diseases – Power of Local Board to Health to Quarantine
10-202 Who to Report Reportable Diseases
10-203 City Health Officer to Report Reportable Disease to State Department of Health
10-204 Venereal Diseases – Additional Powers and Duties of Health Officer – Report Cases of Venereal Disease
10-205 Persons in Jail Examined and Treated for Venereal Disease
10-206 Venereal Diseases – Persons Isolated in Jail – Exceptions
10-207 Duty of Parent to Report to Health Officer
10-208 Health Officer to Place Reported Infant in Charge of Physician
10-209 Contagious or Infectious Diseases – Board may Establish Temporary Hospital
10-210 Contagious or Infectious Diseases – Board may Destroy or Disinfect Infected Clothing
10-211 Removal of Person Afflicted with Contagious or Infectious Disease – Removal of Person Who Died of Such Disease – Prohibited
10-212 Child Having Contagious or Infectious Disease Prohibited from Attending School
10-213 Inoculation Required Before Admission to School
10-214 Physician to Report Death From Contagious or Infectious Disease to Board of Health
10-215 Penalties

ARTICLE 2. CONTAGIOUS DISEASES

10-201 CONTAGIOUS OR INFECTIOUS DISEASES - POWER OF LOCAL BOARD OF HEALTH TO QUARANTINE

Whenever it shall come to the knowledge of the Board of Health that a case of a contagious or infectious disease exists within its jurisdiction, the Board immediately shall examine the facts of the case and adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease. The Board immediately may cause any person infected with such disease to be removed to a separate house if, in the opinion of the Health Officer or County Superintendent of Public Health, such person can be removed without danger to his health. If the infected person cannot be removed without danger to his health, the Board shall make such quarantine regulations as it deems proper with reference to the house within which such infected person is, and may cause the persons in the neighborhood to be removed, and may take such other measures as it deems necessary for the safety of the inhabitants within its jurisdiction.

Source: NDCC 23-07-06

10-202 WHO TO REPORT REPORTABLE DISEASES

The following persons shall report to the Health Officer any reportable disease coming to his knowledge:

1. All physicians.

2. All persons who treat or administer to the sick by whatever method.

3. Householders.

4. Keepers of hotels, boardinghouses, or lodging houses.

5. Nurses.

6. School teachers.

7. All other persons treating, nursing, lodging, caring for, or having knowledge of the existence of any reportable disease.

If the person reporting is the attending physician, he shall report not less than twice a week, in the form and manner directed by the State Department of Health, the condition of the person afflicted and the state of the disease.

Source: NDCC 23-07-02

10-203 CITY HEALTH OFFICER TO REPORT REPORTABLE DISEASE TO STATE DEPARTMENT OF HEALTH

At such time as may be required by the State Department of Health, the City Health Officer shall submit to such Department, on blanks furnished by the Department for that purpose, a summarized report of the reportable diseases reported to him during the week. When no cases have been reported during the week, the report shall be made with the notation "No cases reported".

Source: NDCC 23-07-05

10-204 VENEREAL DISEASES - ADDITIONAL POWERS AND DUTIES OF HEALTH OFFICER - REPORT CASES OF VENEREAL DISEASE

The City Health Officer within his jurisdiction, when necessary for the protection of public health shall:

1. Make examination of any person reasonably suspected of being infected with venereal disease and detain such person until the results of the examination are known.

2. Require any person infected with venereal disease to report for treatment to a reputable physician and to continue such treatment until he is cured or to submit to treatment provided at public expense until he is cured.

3. Investigate sources of infection of venereal disease.

4. Cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

The superintendent or manager of a hospital, dispensary or charitable or penal institution in the City of Wahpeton, in which there is a case of venereal disease, shall report to the City Health Officer. The report shall be made in the form and manner directed by the State Department of Health.

Source: NDCC 23-07-07

10-205 PERSONS IN JAIL EXAMINED AND TREATED FOR VENEREAL DISEASE

Every person convicted of a crime who is imprisoned in the County, or City shall be examined for venereal disease and if infected, shall be treated therefor by the Health Officer within whose jurisdiction such person is imprisoned.

Source: NDCC 23-07-08

10-206 VENEREAL DISEASES - PERSONS ISOLATED IN JAIL - EXCEPTIONS

The jail authorities of the County and City shall make available to the County and City Health Officers such portion of the jail as may be necessary for a clinic or hospital wherein the following persons may be isolated and treated at public expense until cured:

1. Persons who are imprisoned in such jail and who are infected with venereal disease.

2. Persons who are suffering with venereal disease at the time of the expiration of their term of

imprisonment.

3. Persons isolated or quarantined by the Health Officer when no other suitable place for isolation or quarantine is available.

In lieu of such isolation, any of such persons, in the discretion of the Health Officer, may be required to report for treatment to a licensed physician or to submit to treatment provided at public expense until cured. Nothing contained in this Section shall be construed to interfere with the service of any sentence imposed by a Court as punishment for the commission of crime.

Source: NDCC 23-07-09

10-207 DUTY OF PARENT TO REPORT TO HEALTH OFFICER

If one (1) or both eyes of an infant shall become inflamed, swollen, or reddened, or shall show any unnatural discharge or secretion at any time within two (2) weeks after birth, and if no legally qualified physician is in attendance upon the infant at that time, the parents of the child, or in their absence, whoever is caring for said infant, shall report the fact in writing, within six (6) hours after discovery, to the Health Officer having jurisdiction. Such report need not be made from a recognized hospital.

Source: NDCC 23-07-11

10-208 HEALTH OFFICER TO PLACE REPORTED INFANT IN CHARGE OF PHYSICIAN

Upon receipt of a report as provided for in Section 10-207, the Health Officer shall direct the parents or whoever has charge of the infant suffering from inflammation, swelling, redness, or unnatural secretion or discharge of the eyes, to place it immediately in charge of a legally qualified physician.

Source: NDCC 23-07-12

10-209 CONTAGIOUS OR INFECTIOUS DISEASES - BOARD MAY ESTABLISH TEMPORARY HOSPITAL

The Board of Health may provide such temporary hospital or place of reception for persons afflicted with any contagious or infectious disease as it judges best for their accommodation and the safety of the inhabitants. It may provide a means of transportation to such hospital for persons suffering from any such disease. All such hospitals, and all private houses or other places in which exists any contagious or infectious disease, during the existence of such disease, shall be under the control and subject to the regulations of the Board of Health. All the inmates of any such house or other place, during the existence of such disease therein, must conform to the regulations and obey the instructions of the local Board with reference thereto.

Source: NDCC 23-07-13

10-210 CONTAGIOUS OR INFECTIOUS DISEASES - BOARD MAY DESTROY OR DISINFECT INFECTED CLOTHING

The Board of Health may cause to be destroyed any bed, bedding, clothing, carpets, or other articles which have been exposed to infection from a contagious or infectious disease and may allow reasonable compensation for the same. The Board also may provide a proper place with all necessary apparatus and attendants for the disinfection of such articles and may cause all such articles to be conveyed to such place to be disinfected.

Source: NDCC 23-07-14

10-211 REMOVAL OF PERSON AFFLICTED WITH CONTAGIOUS OR INFECTIOUS DISEASE - REMOVAL OF PERSON WHO DIED OF SUCH DISEASE - PROHIBITED

No person, unless he has a permit from the Board of Health or State Department of Health, shall remove or cause to be removed from without this City into this City, or from one (1) building to another within this City, or from or to any railroad car or motor vehicle, any person afflicted with a contagious or infectious disease, or the body of any person who died of any such disease.

Source: NDCC 23-07-15

10-212 CHILD HAVING CONTAGIOUS OR INFECTIOUS DISEASE PROHIBITED FROM ATTENDING SCHOOL

No principal, superintendent, or teacher of any school, and no parent or guardian of any minor child, shall permit any child having any contagious or infectious disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public or private school until permitted to do so under the regulations of the Board of Health.

Source: NDCC 23-07-16

10-213 INOCULATION REQUIRED BEFORE ADMISSION TO SCHOOL

1. No child shall be admitted to any public, private, or parochial school, or day care center, child care facility, head start program, or nursery school operating in the City unless such child's parent or guardian presents to the institution authorities a certification from a licensed physician or authorized representative of the State Department of Health that such child has received immunization against diphtheria, pertussis, tetanus, measles, rubella (German measles), mumps, and poliomyelitis.

2. A child may enter an institution upon submitting written proof from a licensed physician or authorized representative of the State Department of Health stating that he has started receiving the required immunization or has a written consent by the child's parent or guardian for a local health service or department to administer the needed immunization without charge or has complied with the requirements for certificate of exemption as provided for in Subsection 3.

3. Any minor child, through his parent or guardian, may submit to the institution authorities either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by his parent or guardian whose beliefs are opposed to such immunization. The minor child shall then be exempt from the provisions of this Section.

4. The enforcement of Subsections 1, 2, and 3 shall be the responsibility of the designated institution authority.

5. The immunizations required, and the procedure for their administration, as prescribed by the State Department of Health, shall conform to recognized standard medical practices in the State.

6. When, in the opinion of the Health Officer, danger of an epidemic exists from any of the communicable diseases for which immunization is required under this Section, the exemptions from immunization against such disease shall not be recognized and children not immunized shall be excluded from an institution listed in Subsection 1 until, in the opinion of the Health Officer, the danger of the epidemic is over. The designated institution authority shall notify those parents or guardians taking legal exception to the immunization requirements that their children are excluded from school during any epidemic as determined by the State Department of Health.

Source: NDCC 23-07-17.1

10-214 PHYSICIAN TO REPORT DEATH FROM CONTAGIOUS OR INFECTIOUS DISEASE TO BOARD OF HEALTH

Each practicing physician in this State shall report to the Board of Health within the jurisdiction of which the death occurred, in writing, the death of any of his patients who shall have died of any contagious or infectious disease. The report shall be made within twenty-four hours after such death and shall state the specific name and character of the disease.

Source: NDCC 23-07-18

10-215 PENALTIES

Any person:

1. Who violates or fails to obey any of the provisions of NDCC Chapter 23-07 or Article 2 of Chapter

10 of the Wahpeton City Ordinances for which another penalty is not specifically provided for, any lawful rule or regulation made by the State Department of Health, or any order issued by any State, County, or City Health Officer; or

2. Who violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or

3. Who, knowing that he is infected with a venereal disease, willfully exposes another person to infection; is guilty of an infraction, for which the penalty is a fine not to exceed Five Hundred Dollars ($500.00).

Source: NDCC 23-07-21

CHAPTER 10.
INDEX AND ANALYSIS TO SECTIONS

ARTICLE 3. THE HANDLING AND DISPOSAL OF WASTE AND OTHER ARTICLES IN THE CITY OF WAHPETON, NORTH DAKOTA, AND AFFIXING PENALTIES FOR VIOLATION OF THE SAME

Section		
	10-301	Definitions
	10-302	Mode of Transportation
	10-303	Dealing in Recyclables
	10-304	Regulating Disposal of Garbage, Rubbish, Refuse and Other Articles
	10-305	Provision for Sealed Receptacle or Container
	10-306	Garbage Collection Not Required Where Streets in Temporary Impassable Condition
	10-307	Setting of Charges
	10-307.1	Municipal Waste Disposal Contract
	10-308	Operation of Department of Sanitation
	10-309	Residents of City Required to Pay Charges for Garbage Disposal
	10-310	Payment of Charges and Penalties
	10-311	Licensed Required
	10-312	Classification of Licenses, Definitions and License Fees
	10-313	Time of Payment, Renewal
	10-314	Limitation of Interests
	10-315	Individuals
	10-316	Renewal
	10-317	No Property Value, Assignment
	10-318	Qualifications Required for a License
	10-319	Applications
	10-320	Change of Information, Violation
	10-321	Records to be Kept and Maintained
	10-322	Enforcement, Violation, Suspension or Revocation
	10-323	Unauthorized Use
	10-324	Use of City Compost Collection Sites
	10-325	General Penalty

ARTICLE 3. THE HANDLING AND DISPOSAL OF WASTE AND OTHER ARTICLES IN THE CITY OF WAHPETON, NORTH DAKOTA, AND AFFIXING PENALTIES FOR VIOLATION OF THE SAME

10-301 DEFINITIONS

For the purpose of this Article, the following words shall have the meaning given to them by this Section:

1. "Waste" shall mean and include garbage, refuse, offal, accumulation of animal, fruit, and vegetable matter, or otherwise, that attends, surrounds or is derived from preparation, use, cooking, dealing in, or storing of, meat, fish, fowl, fruit, or vegetables or other cooking or eating items, shall further include all accumulations of household, commercial, and industrial waste matter, including dry kitchen refuse, meat, vegetable, and fruit refuse and all tin cans, bottles, glass, scraps or iron, wire, or other metals, lawn clippings, rags, old clothing, paper, paper containers, rubber, pieces of wood, plastics, boxes, barrels, crates, feathers, weeds, grass, ashes, tree limbs and similar accumulations, excepting from the definition of waste, however, shall be those items included in definitions either of the City of Wahpeton, North Dakota State Health Department, the Environmental Protection Agency or the Atomic Energy Commission, or any successor thereof or other agency or department of the government which defines hazardous waste. Except for hazardous waste, waste shall also mean and include, but not be limited to, garbage, refuse, and other discarded solid materials, including but not limited to waste, material, garbage or refuse resulting from industrial, commercial, business, household, or residential operations or activities within the jurisdiction of the City of Wahpeton.

2. The words public place shall mean and include avenue, street, alley, lane and park.

3. "Hazardous Waste" means any refuse, sludge, or other waste material or combinations of refuse, sludge, or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) post a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives, or as hazardous waste or hazardous waste material is defined by any law, rule or regulation of any department or agency of the United States of America or State of North Dakota.

4. "Residential" means all single family, two-family and multi-family dwellings of three units or less or buildings used for and as residences or dwelling places.

5. "Commercial" means any retail business, service establishment, or establishment wholesale business and related warehousing and storage, including but not limited to retailers service store shop, personal service shop or agency, medical, dental clinic or funeral home, business, professional and government offices, eating and drinking establishments, theaters, telephone exchanges, public transportation passenger facilities, automobile sales, laundries, grocery supermarket, amusement premises and service stations, motels, restaurants, manufacturing, assembling, packaging, fabricating, processing and like businesses and all other commercial enterprises which do not meet the above-definition of residential and all apartments and multi-family dwellings or buildings of four or more units.

6. "Recyclable material" shall be defined as clear glass objects, green or brown glass objects, #1 and #2 clear plastic objects, metals, including tin and aluminum, newsprint, cardboard, magazines, mixed office paper and such other material which is regularly discarded and for which there becomes a recycling process and market.

10-302 MODE OF TRANSPORTATION

No person shall, for compensation, pay or hire, haul, carry, convey, collect, dispose of, or transport any of the aforesaid things or articles, specified and named in Section 10-304 and Subsection (1) of Section 10-301 of this Article, on, along, or through any avenue, street, alley, lane, park, or other public place within the corporate limits of said City, until he has first applied for and obtained a license from the City Council, which shall be issued by the City Auditor, upon the payment of such amount as the City Council shall decide and determine.

Notwithstanding the granting of a license, no person shall haul, collect, carry, convey, or transport, within the corporate limits of said City, any of the aforesaid things or articles, specified and named in said Section 10-304 and subsection (1) of Section 10-301 of this Article, except and unless, all of such things and articles are placed, packed, and contained, in, and by means of, a box or tank which (in case any of such things or articles is so damp, moist, or wet that water or other liquid will or can ooze, seep, or drip, therefrom) shall be water-tight, and (in case any of such things or articles is so malodorous that a foul, offensive, or obnoxious smell, odor, or scent is emanating, arising, or escaping therefrom) shall be air-tight and shall have an air-tight cover or lid which shall be tightly closed, and such box or tank shall be so filled, packed, and loaded, in such a manner, that none of the contents thereof can escape therefrom in any way or by any means.

10-303 DEALING IN RECYCLABLES

It shall be unlawful for any person, engaged in the business of gathering, or dealing in recyclables of any kind, to collect to haul, to carry, to convey, or to transport any recyclable materials within the corporate limits of said City, in such a way as to permit any of such recyclable materials to escape, be shaken or blown by the wind from the vehicle in and by which such recyclable material is being hauled, carried, conveyed, or transported, and so that none of the contents of such vehicle shall fall, spill, drop, or escape therefrom.

It shall be unlawful for any person to place, keep, or store any such recyclable material in any place, within the corporate limits of said City, except in a completely enclosed room, building, or place, from which such recyclable material cannot escape or be blown or scattered therefrom by the wind or be infested by either insects or animals.

10-304 REGULATING DISPOSAL OF WASTE AND OTHER ARTICLES

It shall be unlawful for any person to throw, case, drop, place, or deposit any waste, garbage, rubbish, refuse, offal, dead body, carcass, or any other objectionable or offensive thing or article, including recyclables materials, or any other substance requiring a license or permit for disposal, in, on, or upon any public place within the corporate limits of the City of Wahpeton, North Dakota, or to dispose of or deliver any of the above named regulated substances which originate in the City of Wahpeton or are physically present in the City of Wahpeton, in any facility outside of the City of Wahpeton, unless such facility be duly licensed or permitted by the North Dakota State Department of Health, and provided further, that any said facility be expressly authorized as a facility for disposal by the City Council of the City of Wahpeton.

Any person who violates any of the provisions of this Article shall be guilty of a misdemeanor and shall, upon conviction thereon, be fined by a fine not to exceed Five Hundred Dollars ($500.00) or imprisonment not to exceed thirty (30) days; or by both such fine and imprisonment at the discretion of the Court; the Court to have power to suspend said sentence and to revoke the suspension thereof.

10-305 PROVISION FOR SEALED RECEPTACLE OR CONTAINER

1. Each residential property owner or occupant of property shall utilize in a suitable and convenient place upon the premises, one or more residential containers equipped with close fitting tops, or suitable bags, of a capacity of not more than thirty-five (35) gallons each, unless a larger container is provided by hauler pursuant to its agreement with the City. Covers shall be kept on said containers at all times or, if bags, tied so as to be sealed at all times.

2. In the case of buildings containing four or more apartments or living units, garbage receptacles or containers must be furnished by the owner of the building.

10-306 GARBAGE COLLECTON NOT REQUIRED WHERE STREETS IN TEMPORARY IMPASSABLE CONIDTION

All waste in the entire City of Wahpeton shall be collected as hereinafter provided, except that this Article shall not require the collection of garbage and rubbish where the streets or alleys are in a temporary condition where it makes it impossible to do so but the failure to collect such garbage because of such reason shall not relieve the occupant of said premises from the payment of the waste collection fees hereinafter provided for.

10-307 SETTING OF CHARGES

The City Council is hereby authorized to fix minimum and/or maximum fees and charges by resolution for such residential and commercial collection of waste and to adjust or change such fees or charges from time to time by resolution as conditions may warrant.

10-308 OPERATION OF DEPARTMENT OF SANITATION

The City Council is authorized to operate the collection and disposal of waste either as a public utility or service of the City of Wahpeton, or through arrangements, by contract, or otherwise, with private persons or corporations engaged in such work; or by a combination of City and private operations, as shall appear to be for the best interests of the residents of the City of Wahpeton.

10-309 RESIDENTS OF CITY REQUIRED TO PAY CHARGES FOR GARBAGE DISPOSAL

No persons in the City of Wahpeton shall be permitted to refuse to accept the residential waste disposal service provided by the City through franchise, contract or the city itself under the provisions of this Article and the failure to receive such service shall not exempt such person from the payment of the fees or charges as established pursuant to Section 10-307.

10-310 PAYMENT OF CHARGES AND PENALTIES

The individual residential property owner, tenant, head of household, or householder charged for residential services shall be billed individually, and if the service charges established as herein provided for are not paid within fifteen (15) days after the billing, such charges shall be submitted to the City Auditor, the amount thereof may be recovered by the City in and by an action at law, and at the election of the City, such sum may be assessed as taxes against the lot, tract, or premises served by said systems and in such case said amount shall be assessed and such charges may be assessed against the premises served and such charges collected in the same manner as county and municipal taxes are assessed, certified and returned, or to be recovered by suit in law or equity, at the discretion of the City Council and the City may in the discretion of the Director of Public Works discontinue other municipal services until payment has been made.

10-311 LICENSE REQUIRED

It shall be unlawful for any person, partnership, firm or corporation, or other entity to collect, haul, dispose and/or recycle disposal waste within the City of Wahpeton without first obtaining the proper license as herein provided and also comply with any licensing provisions under the laws of the State of North Dakota or laws of the United States of America.

10-312 CLASSIFICATION OF LICENSES, DEFINITIONS AND LICENSE FEES

The classification of licenses and license fees under this Article shall be as follows:

1. Residential license means for collecting, hauling, transporting, and/or disposing of waste from all single-family, two-family and multi-family dwellings of three units or less. The fee shall be $300.00

2. Commercial means license for collecting, hauling, transporting, and/or disposing of waste from any retail business, service establishment, or establishment wholesale business and related warehousing and storage, including but not limited to retailers service store shop, personal service shop or agency, medical, dental clinic or funeral home, business, professional and government offices, eating and drinking establishments, theaters, telephone exchanges, public transportation passenger facilities, automobile sales, laundries, grocery supermarket, amusement premises and service stations, motels, restaurants, manufacturing, assembling, packaging, fabricating and processing and like businesses and all apartments and multi-family dwellings or buildings of four or more units. The fee shall be $300.00

3. Recycling means license for collecting, hauling, transporting and/or disposing of clear glass objects, green or brown glass objects, #1 and #2 clear plastic objects, metals, including tin and aluminum, newsprint, cardboard, magazines, mixed office paper and such other material which is regularly discarded and for which there becomes a recycling process and market. The fee shall be $100.00.

10-313 TIME OF PAYMENT, RENEWAL

All license fees are payable in advance at the time of issuance of the license. Such license shall be effective for a period of one (1) year from January 1 through December 31, except for the year 1996, when licenses shall be effective from July 1 through December 31, 1996. If application is made for a license originally during the license year and for an unexpired portion of such year, the fees shall be prorated on a monthly basis of the unexpired term of the license commencing as of the first month in which the license is granted, but in no case shall the fee be less than $75.00. Where a license has been granted for the unexpired portion of the license year, a subsequent renewal shall be for the full year. Failure to pay any license fee on or before the date when due shall automatically cancel said license.

10-314 LIMITATION OF INTERESTS

No person shall have an interest in more than one residential, commercial or recycling license issued by the City of Wahpeton, provided, that any person may have an interest in one residential, one commercial and one recycling license at the same time, or any combination of one residential, one commercial, or one recycling license at the same time. For purposes of this paragraph, the word "interest" includes ownership or control of five percent (5%) or more of any joint venture, partnership, limited partnership, or of the outstanding shares of a corporation.

10-315 INDIVIDUALS

This Article shall not be construed to prevent individual property owners from collecting, hauling, transporting, or disposing of their own waste, from their own premises to a legal point of disposal, provided however, that such collection, hauling, transportation, and disposal is in accordance with this Article, other Ordinances of the City, and State and Federal Law regulation. Provided further, that said legal point of disposal shall be a site expressly approved and authorized by the City Council of the City of Wahpeton.

10-316 RENEWAL

Licenses under this Article shall be renewed upon expiration, by application of a licensee to the City Council and upon the Council's determination that the licensee remains in compliance with this Article, other City Ordinances and State and Federal Law. The licensee may request a formal hearing before the City Council for a reconsideration within ten (10) days from the date of an action taken by the Council which licensee considers adverse to him. This hearing shall be conducted as an administrative hearing conducted by the City Auditor and it shall be transcribed by such means as determined by the City Auditor, including recorded.

10-317 NO PROPERTY VALUE, ASSIGNMENT

Licenses issued under the provisions of this Article shall have no property value to the applicant or owner and may not be sold, transferred or assigned, except that the City Council in its discretion may authorize the transfer or assignment of the license upon review of an application for the same.

10-318 QUALIFICATIONS REQUIRED FOR A LICENSE

The City Council of the City of Wahpeton may issue a license to any person who fulfills the qualifications now prescribed or required by federal or state law or regulation and all of the ordinances of the City of Wahpeton authorizing the collection, hauling, or disposal of waste or recyclables as it determines to be in the best interest of the City. All applicants for any classification license provided for herein shall file a sworn application therefore, accompanied by the required fee, and shall show in such application that he is in possession of the following qualifications.

1. Applicant must designate in writing on forms provided by the City, a resident of the City and citizen of the United States who is a person of good moral character as his agent for receipt of service or process. If the applicant is a corporation, the corporation must be duly licensed in the State of North Dakota and have a properly designated registered agent. Under emergency circumstances, this provision can be waived by City Council and waiver ratified by the Council at a subsequent meeting.

2. Applicant shall not have been convicted of a felony, or any other offense determined by the City Council to have a direct bearing upon the applicant's ability to serve the public as a waste collector, hauler or disposer; or if convicted of any offense, is determined not to be sufficiently rehabilitated under NDCC Section 12.1-33-02.1 or equivalent City ordinance.

3. Applicant shall not have had revoked, within five (5) years next preceding his application, any license issued to him pursuant to the ordinances or resolutions of a city, or Board of County Commissioners, or other public entity according to the laws of this State, or any state or the federal government, to collect, haul or dispose of waste.

4. If applicant is a partnership or co-partnership all members of the partnership or co-partnership must be personally qualified to obtain a license.

5. If applicant is a private corporation, all officers and directors thereof or any stockholders, and the person or persons who shall conduct and manage the licensed business

for the corporation shall possess all of the qualifications required herein for an individual licensee. A corporation holding a license under this Chapter shall at all times keep on file with the City Auditor of the City of Wahpeton, the name, address and telephone number of the manager and registered agent in the State of North Dakota of the licensed holder . In the event that there is a change of manager, the corporation shall promptly notify the City Auditor of the change and the name, address and telephone number of the new manager.

6. Applicant shall have sufficient capitalization or letters of credit to satisfy the City Council that he will be able to sustain himself in business and properly collect, haul and dispose of the waste or recyclables as required herein.

7. Application shall provide satisfactory written evidence to the City Council of having full access and use of a disposal site which is acceptable to and approved by the City Council as to type, location, duration, and any other condition as determined by the City Council.

8. As a condition to the issuance of any license, applicant shall obtain a performance bond running to the benefit of the City in the following amounts for the following types of licenses: Residential, not less than Fifty Thousand and No/100 Dollars ($50,000.00); Commercial, not less than Twenty-five Thousand and No/100 Dollars ($25,000.00); and Recycling, not less than Ten Thousand and No/100 Dollars ($10,000.00; to cover any and all expenses or costs incurred by the City as a result of any acts or omissions on the part of the licensee whether intentional or accidental, knowingly or unknowingly, or provide such other security for such purpose as is approved by the Council. Such bond shall be conditioned upon the full and faithful performance by the license holder of his duties under this Article, other City Ordinances and State and Federal Law and shall be kept in full force and effect as provided herein. Such bond shall be kept in effect for the benefit of the City for a period of one (1) year after licensee has ceased doing business within the City. Said bond shall be issued by a company recognized and licensed to issue the same in the State of North Dakota.

9. As a condition to the issuance of any license, applicant shall obtain the following minimum insurance coverage and maintain it at all times throughout the life of the licensee:

(1) Comprehensive General Liability (Including Premises Operations); Independent Contractors' Protective; Productors and Completed Operations; Broad Form Property Damage:

A. Bodily Injury and Property Damage (combined limit): One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) aggregate.

B. Personal Injury: One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) aggregate.

C. Property Damage Liability Insurance shall include coverage for the following hazards: (X) explosion, (C) collapse and (U) underground.

(2) Comprehensive Automobile Liability (owned, non-owned, hired):

A. Bodily Injury and Property Damage (Combined Limit): One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00) aggregate.

(3) As a condition to the issuance of any license, the applicant shall file with the City Auditor, insurance certificates evidencing that the above insurance is in force for the companies licensed in the State of North Dakota and the amounts required. Insurance certificates shall

specifically provide that a certificate will not be modified except upon thirty (30) days prior written notice to the City of Wahpeton, Richland County, North Dakota. Neither the City of Wahpeton's failure to require or insist upon certificates or other evidence of issuance, nor the City of Wahpeton's acceptance of a certificate or other evidence for insurance showing a variance from the specified coverage changes the licensee's responsibility to comply with the insurance specifications.

10. Licensees holding a residential license shall provide a transfer station or dumping point either within the City of Wahpeton, North Dakota, or within one (1) mile thereof during the period of the license, which shall be open at least eight (8) hours per day, Monday through Friday, and, in addition, from April 15th to November 15th of each year for a minimum of two (2) hours each week after 5:00 p.m. on a weekday, or on a Saturday after 10:00 a.m. Residences and business of the City and/or their agents shall be allowed to haul waste items including appliances, furniture, and other refuse generated by a residential unit or commercial business or enterprise. Licensee may charge such fees as it determines for such service.

The requirement of a transfer station or dumping point may be waived by the City Council if it determines that the same is either unnecessary or not in the best interests of the City and upon such terms and conditions as the Council may deem appropriate in granting such waiver.

11. Truck(s) utilized in the collection, hauling and disposal of waste shall not exceed the gross weights for such vehicles on the city's streets and alleys as established by the City's Director of Public Works.

10-319 APPLICATIONS

Applications for licenses or renewal of licenses under this Article shall be in writing directed to the City Auditor and filed in the office of the City Auditor on or before December 1 of the year preceding that year for which the application is made. The City Council has the discretion to limit the number of such licenses issued as it determines necessary for the promotion and health and welfare of the City and its residents. All fees required by this Chapter for such application shall accompany the application payable from the date of the application. No application shall be considered unless it is accompanied by the required fee.

The applicant for a license shall in addition to the license fee be liable for and shall pay to the City Auditor sufficient sums of money to pay for and cover all the costs incurred by the City for the processing and evaluation of any application for license, including but not limited to: publication costs; attorney's fees; mileage; copy expenses; other expenses wherein the City has to pay or reimburse non-affiliated individuals or entities or organizations as a result of processing or evaluating the application; and any other such cost or expense. No license shall be issued or effective until all such costs and fees prescribed in Section 10-312 have been completely paid by applicant, unless the City Council has otherwise provided by motion or resolution for a particular case.

The application shall contain the following information, together with other and further information as the City Council of the City of Wahpeton may from time to time require:

1. The name and address of the applicant.

2. The name and address and telephone number of the person or office to be contacted regarding any questions or problems that may arise.

3. If the applicant is a corporation, the names and addresses of each officer and director and each person holding in excess of 25% of the stock of the corporation and the name and address of its registered agent in North Dakota.

4. If the applicant is a partnership or co-partnership, the names, place of residence, and post office address of each person and/or partner having any financial interest therein.

5. Whether the applicant is a legal resident of the United States.

6. Whether the applicant is a resident of the State of North Dakota.

7. If the applicant is a corporation, the state wherein incorporated; the amount of its authorized capital stock; amount in capital stock; whether such corporation is a subsidiary of any other corporation; and, if so, the name, place of business, and post office of the parent corporation; the purpose for which such corporation, parent, and subsidiary, were incorporated, together with the names, places of residence and post office addresses of all directors, officers, and managing agents of each such corporation, parent and subsidiary; and, in addition thereto, the names and places of residence and post office addresses of the stockholders holding in excess of 25% of the stock of such corporation, parent, and subsidiary and if the corporation is authorized to do business in the State of North Dakota.

8. The location, by common and legal description, of the principal site from which the licensee will be operating.

9. Whether the applicant has ever been engaged in the collection, hauling, and/or disposal of garbage, refuse, or waste or recyclable materials prior to the date of this application and, if so, giving the date, type, and the place where so engaged whether within or without of the State of North Dakota. If the application is for a renewal license, give the date when the applicant first became engaged in said business.

10. Whether the applicant has ever had a license revoked or rejected by any state, municipal, or federal authority; and, if so, the date and place of such rejection, cancellation, and/or revocation; the authority rejecting, canceling, and/or revoking the same and the reasons for such rejection, cancellation, and/or revocation.

11. Whether the applicant has ever been convicted of or for the violation of any law of the United States, or of any State, or of or for the violation of any municipal ordinance; and, if so, the dates, places, and the courts in which said convictions were had.

12. The names, address and post offices, as hereinbefore provided, of all partners or co-partners, all members of said partnership or co-partnership, silent or otherwise, having an interest, financial or otherwise, in the business for which license is applied for, the names, addresses, and post offices of all persons who have charge, management, and/or control of the establishment for which the license is requested.

13. Whether any person other than the applicant has any right, title or equity in the equipment, vehicles, storage containers, real property and all other personal property to be used in the operations which the license is issued; and if so, the names, addresses, together with a detailed statement of the interest so held by them.

14. Give the names and addresses of at least three (3) business references and a brief statement of the nature and extent of the business relations with such persons.

15. State whether the applicant is rated by any commercial agency; and, if so, the name and address of such agency, or agencies.

16. The classification of the license(s) applied for by applicant.

17. Set forth on a map or plat the proposed route to be utilized by the applicant in its collection and hauling within the City.

18. Set forth the make, model, year, and gross weight of the truck(s) to be utilized by said applicant.

The City Council can waive any requirement contained in Ordinance No. 10-318 which it determines is unduly burdensome to a particular applicant, for cause shown.

10-320 CHANGE OF INFORMATION, VIOLATION

1. Each licensee, as a condition to retention of such status, shall immediately file with the City Auditor any changes in the information and declarations required by Section 10-319 or as specified in Section 10-318.

2. Each licensee, as a condition to retention of such status, shall immediately notify the City Auditor by providing to him a copy of any notice of violation, certificate of non-compliance, or other such document which is served upon him by any method, by any department or agency of the United States of America or the State of North Dakota or the State of Minnesota, which may relate to disposal site, or the manner or methods used in licensee's operation in hauling and/or disposing of waste from the City of Wahpeton.

10-321 RECORDS TO BE KEPT AND MAINTAINED

Each licensee, as a condition to obtain and maintain a license or renewal thereof, shall obtain, keep and maintain at all times during the life of licensee and shall allow inspection and copying by the City Council or its designated, records evidencing the following:

1. Daily volumes of any and all waste or recyclable materials collected, transported, stored or disposed of, by cubic yard and general category and the individual or individuals who collected, transported and disposed of said waste or recyclable materials;

2. All dates concerning collection, transport, storage, and disposal of any and all waste, or recyclable materials, including but not limited to dates of intermediate disposal or storage at any transfer station or intermediate site or temporary site and date of ultimate disposal; and

3. All locations of temporary, intermediate and ultimate disposal or storage including but not limited to location within the landfill if a landfill is the intermediate or temporary or ultimate disposal site, for any and all waste collected, transported, or disposed of.

10-322 ENFORCEMENT, VIOLATION, SUSPENSION OR REVOCATION

The City Auditor is the license officer to administer this Chapter and the enforcement provisions contained in Section 22-111 govern this Chapter for the purposes contained therein.

10-323 UNAUTHORIZED USE

A person is guilty of an offense, if within the City of Wahpeton, he dumps, places in or by, waste or garbage in the garbage cans or dumpster or other waste or garbage container without the permission of the owner, tenant or other person who uses and or has control over the container.

10-324 USE OF CITY COMPOST COLLECTION SITES

1. No person, partnership, firm, association, corporation or other entity shall place, deposit, leave or maintain any substance, item, or thing in or upon any of the City of Wahpeton's compost collection sites except grass or grass clippings, plants, or leaves.

2. Any placement, deposit, leaving, or maintaining authorized by Subsection (1) of Section 10-323.1 shall be accomplished only and solely according to any rules and regulations as are established for the City of Wahpeton's compost collection sites.

3. Any person, partnership, firm, association, corporation or other entity which violates any of the terms or provisions of Section 10-323.1 shall be guilty of an infraction and shall be fined in an amount not exceeding Five Hundred Dollars ($500.00); provided, that for any violation of any of the terms or provisions of Section 10-323.1 within one (1) year of any prior conviction for violating Section 10-323.1 shall be guilty of a Class B misdemeanor and punished by a fine of no more than Five Hundred Dollars ($500.00) or imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

10-325 GENERAL PENALTY

Any person who violates any of the provisions of this Article for which another penalty is not specifically provided shall be guilty of a Class B misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than Five Hundred Dollars ($500.00) or be imprisoned for not more than thirty (30) days, or by both such fine and imprisonment, for each offense.

Source: Ordinance 749

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 4. CONTROL OF RAT BORNE DISEASE

Section	
10-401	Definitions
10-402	Buildings to be Freed of Rats
10-403	Rat Proofing Must be Done on Notice or Order
10-404	Improvements to be Made, When
10-405	Premises to be Kept in Rat Proof Condition
10-406	Health Officer: To Make Inspection, When
10-407	Same: May Require New Floors
10-408	Unlawful to Remove Rat Proofing
10-409	If Repaired or Remodeled Must be Rat Proof
10-410	Food and Feeds to be Stored Under Rat Proof Conditions
10-411	Provisions for Storage of Garbage, Refuse, Dead Animals
10-412	Unlawful to Collect Garbage, Rubbish, Trash, When
10-413	Unlawful to Collect Lumber, Boxes, Other Materials, When
10-414	Health Officer to Approve Rat Proofing Work
10-415	Purpose of Article

ARTICLE 4. CONTROL OF RAT BORNE DISEASE

10-401 DEFINITIONS

For the purpose of this article, the following definitions shall apply:

(A) The term "building" shall mean any structure whether public or private that is adapted for occupancy either for residence purposes or the transaction of business for the rendering or professional services, for amusement, for the sale, display, or storage of goods or merchandise, for the performance of work and labor including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, dwellings, garages, outhouses, sheds, barns, and all other structures on premises used for business or residence purposes.

(B) The term "rat stoppage" or "rat proofing" as herein used, shall be deemed to apply to a form of rat proofing so as to prevent ingress of rats into buildings hereinbefore defined from the exterior of one (1) building to another. It consists essentially of rendering all actual or potential openings in exterior walls, ground, first floor, roofs and foundations that may be reached by rats from the ground by climbing or by burrowing, with materials impervious to rats in any manner.

(C) The term "rat harborage" shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind.

(D) The term "health officer" as used herein, means the City Physician or any duly authorized person who may represent him.

(E) The term "owner" shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building or other person having custody of the building or to whom the rent is paid. In the case of buildings leased with a clause in the lease specifying that the lessee is responsible for maintenance and repairs, the lessee will be considered in such cases as the "owner" for the purpose of this Article.

Source: 16.0801, Bismarck Ordinances, (1966)

10-402 BUILDINGS TO BE FREED OF RATS

All buildings in the City of Wahpeton shall be required to be rat proofed, freed of rats and maintained in a rat proof condition, under the direction and supervision of the City Health Officer.

Source: 16.0803, Bismarck Ordinances, (1966)

10-403 RAT PROOFING MUST BE DONE ON NOTICE OR ORDER

Upon receipt of a written notice or order from the City Health Officer, the owner of any building, as specified herein, shall take immediate measures for rat proofing said building, and shall complete the same within fifteen (15) days after the receipt of said notice or order, or within such time as any written extension may have been granted to the City Health Officer.

Source: 16.0803, Bismarck Ordinances (1966)

10-404 IMPROVEMENTS TO BE MADE, WHEN

Whenever the City Health Officer notifies the occupant or occupants of any building that there is rat infestation in the said building, said occupant or occupants shall immediately institute appropriate measures for freeing the premises of all rats and unless suitable measures for freeing the said building of rats are instituted within three (3) days after the receipt of said notice and continuously maintained and carried on in accordance with the directions of the City Health Officer

until said buildings are free of rats, the City Health Officer is hereby authorized and directed to free said buildings of rats at the expense of the owners thereof. The City Health Officer shall certify the cost of such work to the City Council of the City of Wahpeton and the City Council shall thereupon cause the same to be billed to said occupant or occupants or to the owner of said building, and if the same shall be not paid within thirty (30) days then suit shall be brought for the collection of said amount.

Source: 16.0804 Bismarck Ordinances (1966)

10-405 PREMISES TO BE KEPT IN RAT PROOF CONDITION

All occupants and owners of all rat proof buildings in the City of Wahpeton are required to maintain the same in a rat proof condition and to repair all breaks or leaks which may occur in the rat proofing at all times.

Source: 16.0805, Bismarck Ordinances, (1966)

10-406 HEALTH OFFICER: TO MAKE INSPECTION, WHEN

The City Health Officer or any person under his direction is hereby empowered to make unannounced inspections of the interior and exterior of said buildings in the City of Wahpeton, for the purpose of ascertaining as to whether or not such buildings may have been properly rat proofed, and the City Health Officer may make such inspections at any time for the purpose of determining the extent of rat infestation and the existence of breaks or leaks in the rat proofing, through which rats may enter such buildings, and if such buildings are found not to be in proper condition as to rat proofing, the City Health Officer shall serve upon the owner or occupant, notices in writing and order him to abate and correct the conditions found by the Officer.

Source: 16.0806, Bismarck Ordinances, (1966)

10-407 SAME: MAY REQUIRE NEW FLOORS

Whenever conditions inside or under buildings provide harborage for rats, and the City Health Officer deems it necessary to eliminate such harborage, he may by order, require an order served upon the owner or the occupant thereof requiring the owner or occupant to install suitable cement floors in basements or to require the owner or occupant to correct such interior rat harborage as may be necessary to facilitate the eradication of rats within a reasonable time.

Source: 16.0807, Bismarck Ordinances, (1966)

10-408 UNLAWFUL TO REMOVE RAT PROOFING

It shall be unlawful for the owner, occupant, contractor, public utility company or plumber or any other person, to remove rat proofing from any business building for any purpose, unless the same shall be replaced in a satisfactory condition within five (5) days after receipt of notice from the City Health Officer to replace the same, and it shall further be unlawful for any occupant, owner, contractor, public utility company, plumber or any other person to make any new openings which are not closed or sealed against the entrance of rats.

Source: 16.0808, Bismarck Ordinances, (1966)

10-409 IF REPAIRED OR REMODELED MUST BE RAT PROOF

It shall be unlawful for any person, firm, or corporation hereafter to construct, repair, or remodel any building, dwelling, stable or market, or other structure whatsoever, unless such

construction, repair or remodeling and installation shall render the building or other structure rat proof in accordance with the regulations prescribed herein and hereunder; provided, that only such repairs, remodeling or installation as affect the rat proof condition of any building or other structure shall be unlawful for any person, firm, or corporation hereafter to occupy any building or structure wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale, without complying with the rat proof regulations prescribed hereinafter and hereunder for existing buildings and structures. No license from the City to conduct or carry on a business will be issued to any person, firm or corporation until the requirements of this Article have been complied with. When a building or other structure shall have been rat proofed in accordance with the regulations prescribed herein and hereunder, the owner shall, without a specific order of the City Health Officer and regardless of need for remodeling, repair, or installation, maintain such building or structure in a rat proof condition.

Source: 16.0809, Bismarck Ordinances (1966)

10-410 FOOD AND FEEDS TO BE STORED UNDER RAT PROOF CONDITIONS

All foods and feed kept within the City of Wahpeton for feeding chickens, cows, pigs, horses and other animals shall be kept and stored in rat free and rat proof containers, compartments, or rooms, unless kept in a rat proof building.

Source: 16.0810, Bismarck Ordinances (1966)

10-411 PROVISIONS FOR STORAGE OF GARBAGE, REFUSE, DEAD ANIMALS

Within the corporate limits of the City of Wahpeton all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed and all small dead animals, shall be placed and stored until collection by the garbage department in covered containers of a type prescribed by the Health Officer, according to existing conditions, and it is hereby declared unlawful for any person, firm or corporation to dump or place on any premises, land or waterway, any dead animals or any waste vegetable or animal matter of any kind.

Source: 16.0811 Bismarck Ordinances (1966)

10-412 UNLAWFUL TO COLLECT GARBAGE, RUBBISH, TRASH, WHEN

It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or premises in the City of Wahpeton so that same shall or may afford food or harborage for rats.

Source: 16.0812 Bismarck Ordinances (1966)

10-413 UNLAWFUL TO COLLECT LUMBER, BOXES, OTHER MARTIALS, WHEN

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, and on upon all lots and alleys in the City of Wahpeton, any lumber, boxes, barrels, bricks, stones or similar materials that may be permitted to remain thereon, unless same shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked so that these materials will not afford harborage for rats.

Source: 16.0813 Bismarck Ordinances (1966)

10-414 HEALTH OFFICER TO APPROVE RAT PROOFING WORK

The owner of any building in complying with the provisions hereof relative to the rat proofing of said buildings and the occupant in maintaining his premises rat proof and in pursuing the system of rat elimination as required herein, may at his option do the work himself or may engage a contractor or employ labor and purchase materials necessary to do such work all to be subject to the approval of the City Health Officer.

Source: 16.0814 Bismarck
Ordinances (1966)

10-415 PURPOSE OF ARTICLE

This Article is declared by the City Council of the City of Wahpeton to be necessary for the public health of the people of the City of Wahpeton.

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 5. MINIMUM HOUSING CODE

Section 10-501 Definitions
10-502 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises
10-503 Minimum Requirements for Dwelling Units
10-504 Dwelling Unit Unfit for Human Habitation
10-505 Rooming Houses
10-506 Applicability of Previous Sections and Subsections
10-507 Responsibility of Owners and Occupants
10-508 Duties of Occupants
10-509 Occupancy and Overcrowding
10-510 Applicability of the City Building Code
10-511 Substandard Buildings or Dwelling Units, Nuisance
10-512 Duties of City Council
10-513 Failure to Comply With the Decision of the City Council
10-514 Violations: Penalty for Disregarding the Notice and Order
10-515 Duties of the City Attorney
10-516 Where Owner Absent From the City
10-517 Emergency Action by the City Building Official
10-518 Appeal
10-519 Enforcement of Interpretation
10-520 Penalties
10-521 Unconstitutionality Clause

ARTICLE 5. MINIMUM HOUSING CODE

10-501 DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Ordinance.

(A) Basement shall mean a story of a building located partly underground, but having less than two-thirds (2/3) 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 (2/3) of its clear floor-to-ceiling height below outside grade.

(D) City Building Official shall mean the legally designated health authority of the City of Wahpeton 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 ny 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 material 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 (1) 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 (1) dwelling unit.

(N) Occupant shall mean any person, over one (1) 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 how 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 or the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, 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 any other similar supplied fixtures, together with all connecting 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 (2) rooms are let for hire, or more than four (4) 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, 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 provision of this Ordinance.

(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 isn't attached to the ground, to another structure, or to any utility system and located on the same premises for more than thirty (30) consecutive days.

10-502 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

The City Building Official is hereby authorized and directed to make inspections to determine the conditions of all dwelling, dwelling units, rooming units, and premises located within the City of Wahpeton, 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 Building Official is hereby authorized to enter, examine, and survey at reasonable times all dwellings, dwelling unit, rooming units and its premises.

The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof shall give the City Building Official 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 purpose of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this Article or any lawful order issued pursuant to the provisions of this Article.

10-503 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 bathrooms, shall have not less than one (1) window. The window area in each of the said rooms shall have not less than ten percent (10%) of the floor area in glass and at least one-half (2) 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 (2) family dwelling, multi-family dwelling, and rooming house shall be adequately ventilated.

3. The City Building Official, 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 1 to October 1 of each year.

B. Electrical Facilities

1. Electrical lighting fixtures. Every public hall and stairway in every two (2) 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 (2) separate floor-to-wall type electrical convenience outlets and one (1) ceiling type electrical light fixture. Every kitchen shall contain two (2) twenty (20) amp outlets.

4. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one (1) 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 (1) 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 (1) stool, one (1) lavatory, one (1) bathtub or shower; nor more than two (2) dwelling units or eight (8) persons may share one (1) full bathroom. Each bathroom shall be enclosed by walls, ceilings, 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, bathtub, or shower bath, and flush type water closet herein required shall be

accessible without leaving the shelter of the roof 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 one hundred twenty degrees Fahrenheit (120E 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 sixty-eight degrees Fahrenheit (68E 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 weather tight, 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 weather tight, 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 Ordinance 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 Ordinance 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, retaining walls, fences, and accessory buildings shall comply with the provisions of this Ordinance 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 of Wahpeton Building Code and the Fire Prevention Ordinance 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.

10-504 DWELLING UNIT UNFIT FOR HUMAN HABITATION

The City Building Official shall determine that a dwelling is unfit for human habitation or a building is substandard, if he finds that any of the following conditions exist:

1. Building supporting members which show thirty-three percent (33%) or more of damage or deterioration.

2. Buildings that have interior or outside walls or coverings which show fifty percent (50%) or more damage or deterioration.

3. Buildings which have floors or roofs with improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used or such framing members deflect over 1/360 of the span.

4. Buildings which have been damaged by fire, wind, or other causes that endanger the lives, safety, or welfare of the occupants, or other people of the City.

5. Buildings which are dilapidated, decayed, unsanitary, or in disrepair which are likely to cause sickness or disease, or to cause injury to the health, safety, or welfare of the occupants or to other people of the City.

6. Buildings in which each living unit does not have safe and unobstructed means of egress leading to a safe and open space at ground level as required by the City Building Code.

7. Buildings which have defects therein increasing the hazards of fire, accidents, or other calamities such as lack of adequate ventilation, light, heating, or sanitary facilities as endangering the health, morals, safety, or general welfare of the occupants or other residents of the City.

8. Buildings which are in violation of any provisions of the building regulations, fire prevention, or ordinances of the City of Wahpeton.

9. Buildings in which the interior walls, ceilings, and floors of all habitable rooms are not of durable material, in good repair, and well painted.

10. Buildings in which the exterior walls are not covered with an approved type of sheathing, stucco, brick, or other recognized type of material in good repair.

11. Buildings or premises that violate any ordinance of the City relative to sanitation and safety.

12. Dwelling units in which the bedrooms or bathrooms are not available through hallways or other means to assure the privacy of the occupants.

10-505 ROOMING HOUSES

No person shall operate, or permit to be occupied a rooming house which does not comply with the following requirements.

10-506 APPLICABILITY OF PREVIOUS SECTIONS AND SUBSECTIONS

The provisions of this Article shall be applicable to each rooming house and rooming unit. For the purpose of this Section whenever in the above-mentioned Section the term "dwelling" is used, it shall be construed to mean "rooming house" and whenever the term "dwelling unit" is used it shall be construed to mean "rooming unit".

No basement or cellar space shall be used for a dwelling unit or habitable room unless:

1. The floors and walls are damp proofed and impervious to leakage of underground or surface moisture and insulated against dampness.

2. Total of the window area in each room is equivalent to ten (10%) percent of the floor space of such room, or no less than that considered adequate and reasonable as compared to the floor space of such room.

3. The total openable window area for ventilating each room is equivalent to at least five (5%) percent of the floor space of such room, or where there is supplied some other device affording equivalent ventilation and approved by the City Building Official.

4. Every window which is below the grade of the ground adjoining such window shall have light wells or areaways extending at least twenty (20) inches out from said window throughout the entire width of the window.

5. Walls, ceiling, and floors of the basement rooms shall comply with Items A, B, C, D, and E of Section 10-703 of this Article.

10-507 RESPONSIBILITY OF OWNERS AND OCCUPANTS

1. Every owner of a dwelling or dwelling unit containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.

2. Every occupant of a dwelling or building shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

3. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in the rubbish containers as required by City ordinance.

4. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, fit for human habitation, and not in violation with this Ordinance.

5. Every occupant of dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might be food for rodents, in a sanitary manner by placing it in the garbage disposal facilities or garbage storage containers as required by City ordinance. It shall be the responsibility of the owner to supply such facilities or containers for dwelling units in a dwelling containing more than two (2) dwelling units and for all dwelling units located on the premises where more than two (2) dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupants to furnish such facilities or containers.

6. Every occupant of a dwelling containing a single dwelling unit shall be responsible for

the extermination of any insects, rodents, or other pests therein or on his premises, and every owner of a dwelling or building containing more than one (1) dwelling unit shall be responsible for such extermination whenever a dwelling unit within such building shall become infested.

10-508 DUTIES OF OCCUPANTS

It shall be the duty of every occupant of a dwelling to:

1. Keep the dwelling unit and grounds pertaining to it in a clean and sanitary condition, free from fire hazards, free of rodents, household pests and vermin harborage.

2. Keep all plumbing in reasonably good working order and free of obstruction.

3. Provide sound and tight garbage, rubbish and ash containers when the same are not supplied by the owner, and keep all containers by whomever supplied in a clean and sanitary condition.

4. Comply with the requirements of this Ordinance when the duties mentioned therein falls on the occupant.

5. Comply with the occupancy for overcrowding requirements and limitations of this Ordinance.

10-509 OCCUPANCY AND OVERCROWDING

No owner or occupant shall permit overcrowding in any dwelling unit or portion thereof as determined and measured by the following standards:

1. Every dwelling unit shall contain at least one hundred sixty (160) square feet of space for the first occupant and at least one hundred (100) square feet for each additional occupant.

2. No sleeping room shall have a floor area of less than eighty (80) square feet.

3. The total of all habitable rooms in a dwelling unit shall be such as to provide at least one hundred (100) square feet of floor area per person of the family over twelve (12) years of age and at least fifty (50) square feet of floor area per person of the family under twelve (12) years of age.

4. In computing the floor area under this Section only those portions of the floor having a ceiling height of at least seven (7) feet sixty-five (65) inches in height shall be included.

10-510 APPLICABILITY OF THE CITY BUILDING CODE

Whenever the provisions of this Article require the construction, installation, alteration, repair of a dwelling or dwelling unit, or its facilities, utilities or equipment, the required work shall be done in full compliance with the applicable provisions of the City Building Code. If the City Building Code requires additional or different requirements or duties, the provisions of the City Building Code shall control, notwithstanding any provisions of this Article.

10-511 SUBSTANDARD BUILDINGS OR DWELLING UNITS, NUISANCE

Any buildings or dwelling units which violate the terms of Sections 10-503, 10-504, 10-505, 10-506, 10-507, 10-508, and 10-509 of this Article are hereby declared to be a substandard building and a public nuisance and dangerous to public health shall be

repaired, vacated, demolished, or said violations discontinued as hereinbefore and hereinafter provided.

Enforcement; Service of Notice and Order, and the City Building Official's Duties of:

Whenever the City Building Official determines there has been a violation of any provisions of this Article, he shall notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building or dwelling as shown by the records of the Register or Deeds of Richland County, and any dwelling, dwelling unit, or building found by him to be substandard as set forth in this Article, that:

1. The owner must vacate, repair, or demolish said building within the terms of the Notice and Order.

2. The owner or occupant must vacate said building or may have it repaired in accordance with the Notice and Order and remain in possession.

3. Provided, that any person notified under this Article to repair, vacate, or demolish any building shall be given such reasonable time as may be necessary to do, or have done, the work or acts required by the Notice and Order provided herein and in case such building must be vacated such vacation notice shall be complied with in thirty (30) days and such repair or demolition order shall be complied with in ninety (90) days.

4. Set forth in the Notice and Order, provided in Subsection 1 herein, a description of the building or structure deemed substandard, a statement of particulars which makes the building or structure a "substandard building" and an order requiring the same to be put in such condition with the terms of this Article and within such time as specified but not to exceed ninety (90) days.

5. Report to the City Council any noncompliance with the "Notice and Order", provided for in Subsections 1, 2, 3, and 4 herein.

6. Appear at all hearings conducted by the City Council and testify as to the conditions of the "substandard building".

7. Place a Notice and Order on all "substandard buildings" reading as follows: "This building has been found to be a "substandard building" by the City Building Official. This Notice and Order is to remain on this building until it is repaired, vacated, or demolished in accordance with the Notice and Order which has been given to 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 Richland County. It is unlawful to remove this Notice and Order until such Notice and Order is complied with."

10-512 DUTIES OF CITY COUNCIL

1. Upon receipt of a report of the City Building Official as provided for in Section 10-511, Subsection 5, thereof, give written notice to the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building or dwelling as shown by the records of the Register or Deeds of Richland County, to appear before it on the date specified in the Notice and Order to show cause why the building or dwelling unit reported to be a "substandard building or substandard dwelling unit" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the City Health Officer's Notice and Order, provided herein in Section 10-511, Subsection 1.

2. Hold a hearing and hear such testimony as the City Building Official 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 Richland County shall offer relative to the "Substandard building or dwelling unit."

3. Make written findings of fact from the testimony offered pursuant to Subsection 2 herein as to whether or not the building in question is a "substandard building or dwelling unit" within the terms of Sections 10-503, 10-504, 10-505, 10-506, 10-507, 10-508, 10-509, and 10-510 of this Article.

4. Issue an order based upon the findings of fact pursuant to Section 10-512, Subsections 1, 2, and 3 commanding the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building as shown by the record of the Register of Deeds of Richland County to repair, vacate, or demolish any building found to be a "substandard building" within the terms of this Article.

10-513 FAILURE TO COMPLY WITH THE DECISION OF THE CITY COUNCIL

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the City Council, or fails to appeal 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 City Council and shall cause the cost of such repair, vacation, demolition to be charged against the land on which the said building exists by special assessment, or as a municipal lien, or shall cause the 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.

10-514 VIOLATIONS: PENALTY FOR DISREGARDING THE NOTICE AND ORDER

The owner of any "substandard building or dwelling unit" who shall fail to comply with any Notice and Order to repair, vacate, or demolish the said building or structure given by any person authorized by this Article to give such Notice and Order shall be fined not exceeding Five Hundred Dollars ($500.00) for each offense and every day subsequent to such notice in which said owner shall fail to comply with any Notice and Order as above stated shall be deemed a separate offense.

The occupant or lessee in possession who fails to comply with a Notice and Order to vacate and who fails to repair said building in accordance with any Notice and Order given as provided for in this article shall be fined in an amount not exceeding Five Hundred 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 said Notice and Order as above stated shall be deemed a separate offense.

10-515 DUTIES OF THE CITY ATTORNEY

The City Attorney shall:

1. Prosecute all persons failing to comply with the terms of the Notice and Order provided for herein in Section 10-511, Subsection 7, and findings of fact or order provided for in Section 10-512, Subsection 4.

2. Appear at all hearings before the City Council in regard to "substandard buildings."

3. Take such other legal action as is necessary to carry out the terms and provisions of this Article.

10-516 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 and Orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of Richland County to the last known address of each and copy of such Notice and Order shall be posted in a conspicuous place on the "substandard building" to which it relates, such mailing and posting shall be deemed adequate service.

10-517 EMERGENCY ACTION BY THE CITY BUILDING OFFICIAL

Whenever the City Building Official finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Article, such order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately, but upon petition to the City Council shall be afforded a hearing as soon as possible, in the manner provided in Section 10-510. After such hearing, depending upon the findings as to whether the provisions of this Article have been complied with, the City Council shall continue such order in effect, or modify, or revoke it.

10-518 APPEAL

The City Council 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 order to be served upon such owner, occupant, mortgagee, or lessee within ten (10) days after the issuance of such order. Such owner, occupant, mortgagee, or lessee shall thereafter have thirty (30) days from the date of service of such order served upon him in which to appeal from such order to the District Court of Richland County, North Dakota, or 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 City Council under and by virtue of this Section shall file an undertaking in the sum of at least Five Hundred 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 District Court. Such undertaking shall be payable to the City of Wahpeton.

10-519 ENFORCEMENT OF INTERPRETATION

This Article shall be enforced by the City Building Official in accordance with the provisions of this Article.

10-520 PENALTIES

Any person who violates any provisions of this Article for which another penalty is not specifically enumerated shall be fined not more than Five Hundred Dollars ($500.00) or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment, at the discretion of the court having jurisdiction. Each and every violation of the provisions of this Article

shall constitute a separate offense and each day any such violation continues shall be a separate offense.

10-521 UNCONSTITUTIONALITY CLAUSE

Should any Section, paragraph, sentence, clause, or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of said Article shall not be affected thereby.

Source: The above ordinance is recommended by the North Dakota State Department of Health and Engineering Services

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 6. SWIMMING POOLS

Section 10-601 Short Title
10-602 Definitions
10-603 City Engineer Construction Permit and Approval
10-604 Plans to be Submitted to City Engineer
10-605 Enclosure of Swimming Pool
10-606 Safety of Bathers
10-607 License to Operate
10-608 Revocation of License
10-609 Bathers With Communicable Diseases
10-610 Sanitation of Premises
10-611 Cleaning Pool
10-612 Interference with Enjoyment of Property Rights Prohibited
10-613 Shielding Lights
10-614 Unnecessary Noise
10-615 Fees
10-616 Polluted Water

ARTICLE 6. SWIMMING POOLS

10-601 SHORT TITLE

This Article shall be known and may be cited as the "Swimming Pool Ordinances of the City of Wahpeton, North Dakota".

Source: Section 8-2201 NIMLO Model Ordinance Service

10-602 DEFINITIONS

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" as used herein is mandatory and not merely directory.

1. "City" is the City of Wahpeton, North Dakota.

2. "City Council" or "Council" is the City Council of the City of Wahpeton, North Dakota.

3. "Family Pool" is a swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee.

4. "City Engineer" is the City Engineer of the City of Wahpeton, North Dakota.

5. "Person" is any person, firm, partnership, association, corporation, company, or any organization of any kind.

6. "Swimming Pool" is a body of water in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operate and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

Source: 8-2202 NIMLO Model Ordinance Service

10-603 CITY ENGINEER CONSTRUCTION PERMIT AND APPROVAL

Before work is commenced on the construction of a swimming pool or family pool or on any alteration, addition, remodeling or other improvement to a swimming pool or family pool within the City of Wahpeton, an application for a permit to construct and the plans and specifications and pertinent explanatory data shall be submitted to the City Engineer for his approval, and no part of the work shall be commenced until the City Engineer has granted such approval by a written permit to construct and has further evidenced his approval by a suitable endorsement upon such plans and specifications. No department of the City charged with the duty of issuing permits for building, plumbing or electrical work for sewer connections or for other work in connection with the

construction of a swimming pool or the construction of any alteration, addition, remodeling or other improvement to a swimming pool or family pool shall issue a permit for a swimming pool until the plans and specifications therefor have been thus endorsed by the City Engineer. The City Engineer shall review such plans and specifications to determine whether they comply with the provisions of this Article and with reasonable standards of swimming pool construction for the protection of the public safety, health and morals as prescribed in the Rules and Regulations promulgated by the City Engineer pursuant to this Article.

The application to the City Engineer for a permit to construct a swimming pool or family pool or to construct any alteration, addition, remodeling or other improvement to a swimming pool or family pool shall be submitted in such forms and be supported with such information and data, as well as plans, specifications and pertinent explanatory data, as the City Engineer may require pursuant to his Rules and Regulations promulgated hereunder.

Source: 8-2203 NIMLO Model
Ordinance Service

10-604 PLANS TO BE SUBMITTED TO CITY ENGINEER

Plans, specifications and pertinent explanatory data required to be submitted in connection with an application for a permit to construct a swimming pool or any alteration, addition, remodeling or other improvement to a swimming pool shall comply with the following requirements and include the following plans and information as well as such other data as may be reasonably requested by the City Engineer:

(a) Plans shall be drawn to scale indicating all dimensions, including the length, depth and width of the pool deck;
(b) A profile plan showing the same information shall also be required;
(c) A cross section of scum gutters and or skimmers;
(d) Pipe diagrams showing size of all pipes, inlets, outlets, make-up water lines, vacuum lines, waste and discharge lines, circulation and other piping;
(e) The pool equipment room layout, showing filters, their location, pumps, chlorinators, chemical feeders, flow meter gauges, sight glass, stainers, hair and lint interceptors, dimensions of filter room, its location, floor drain, sumps, and other pertinent information;
(f) The liquid capacity of the pool;
(g) The liquid capacity of any wading pool;
(h) The kind, number, and size of filters, including the square footage of the filter area in each unit;
(i) Top capacity in gallons per minute;
(j) A description of chemical feeders for soda ash and alum;
(k) The type, kind and description of chlorinator;
(l) A description of the gauges and water flow meter;
(m) A description of the skimmers and or scum gutters;
(n) The type and range of testing equipment, including chlorine.

Source: Section 8-2204 NIMLO
Model Ordinance Service

10-605 ENCLOSURE OF SWIMMING POOL

Every outdoor swimming pool or family pool in the City of Wahpeton shall be completely surrounded by a fence or wall not less than five (5) feet in height, which shall be so constructed as

not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure.

All gates or doors opening to such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Such fence shall be equipped with not more than two (2) gates and the locks to said gates shall be not less than four (4) feet above ground level.

This requirement shall be applicable to all swimming pools or family pools, other than indoor pools, having a minimum depth of 18 inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool or family pool having a minimum depth of 18 inches shall fail to provide and maintain such fence or wall as herein provided.

The City Engineer may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gate or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The City Engineer may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.

Source: Section 8-2206 NIMLO Model
Ordinance Service Ord #253

10-606 SAFETY OF BATHERS

All reasonable precautions shall be taken to protect the users of and bathers in swimming pools and family pools located in the City of Wahpeton from injury or accident. Convenience means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as lifebuoys, life hooks, bamboo poles, or ropes and equipment including first-aid kits shall be provided and be readily accessible. A sufficient number of attendants shall be on duty when the swimming pool is in use who shall be capable swimmers, competent in life-saving methods and artificial resuscitation.

Source: Section 8-2207 NIMLO Model
Ordinance Service

10-607 LICENSE TO OPERATE

(Not included at this time)

10-608 REVOCATION OF LICENSE

(Not included at this time)

10-609 BATHERS WITH COMMUNICABLE DISEASES

No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharge, or any communicable disease shall be permitted to use a swimming pool or family pool located in the City of Wahpeton. Spitting, spouting water, or blowing the nose in the swimming pool shall be strictly prohibited. The operator of a swimming pool shall post suitable placards embodying such personal regulations and instructions.

Source: Section 8-2210 NIMLO Model
Ordinance Service

10-610 SANITATION OF PREMISES

The buildings, grounds, dressing rooms, and all other swimming pool or family pool facilities located in the City of Wahpeton shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

Source: Section 8-2211 NIMLO Model Ordinance Service

10-611 CLEANING POOL

Visible dirt on the bottom of swimming pools and family pools located in the City of Wahpeton and visible scum or floating matter on the surface of said pools shall be removed at least once daily with an approved type vacuum cleaner or as often as necessary to maintain good sanitary conditions. All swimming pools located in the City of Wahpeton shall be thoroughly cleansed at least once each week in a manner and by the use of such disinfecting agents or cleansing materials as may be required by the City Engineer, and all such pools shall be emptied and the water therein completely changed at least twice a week.

Source: Section 9-2212 NIMLO Model Ordinance Service

10-612 INTERFERENCE WITH ENJOYMENT OF PROPERTY RIGHTS PROHIBITED

No swimming pool or family pool located in the City of Wahpeton shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or family pool located in the neighborhood.

Source: Section 8-2217 NIMLO Ordinances

10-613 SHIELDING LIGHTS

Lights used to illuminate any swimming pool or family pool in the City of Wahpeton shall be so arranged and shaded as to reflect light away from adjoining premises.

Source: Section 8-2218 NIMLO Model Ordinance Service

10-614 UNNECESSARY NOISE

It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool or family pool located in the City of Wahpeton any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a swimming pool or a family pool in the City of Wahpeton, the use of permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool or family pool premises shall be unlawful.

Source: Section 8-2219 NIMLO Model Ordinance Service

10-615 FEES

The fee for a permit to construct a swimming pool in the City of Wahpeton shall be the sum of Fifty Dollars ($50.00).

Source: Section 8-2223 NIMLO Model

Ordinance Service

10-616 POLLUTED WATER

No body of water, whether it be a natural or an artificial body of water in the City which contains sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing purposes by any person or persons.

Source: Section 8-2224 NIMLO Model
Ordinance Service

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 7. MISCELLANEOUS

Section	
10-701	Nuisances: Not Permitted on Premises
10-702	Same: Notice to Abate, Failure to Abate
10-703	Same: Chief of Police to Report
10-704	Dead Animals Not to be Left or Deposited in City
10-705	Foul and Nauseous Liquors Not Allowed on Ground
10-706	Ashes, Dumping of, Unlawful Where
10-707	Cellar, Vault, Drain, Etc., Not Allowed to Become Nauseous
10-708	Lots, Etc.: To be Kept Clean
10-709	Same: Notice Clean Up
10-710	Same: Failure to Clean Up

ARTICLE 7. MISCELLANEOUS

10-701 NUISANCES: NOT PERMITTED ON PREMISES

No person within the limits of the City shall permit or suffer on his premises or on premises of which he may be the occupant, any nuisance, either by exercising any unwholesome or offensive trade, calling, or business or by having or suffering or permitting any building, outhouse, sewer, or sink to become nauseous or unwholesome or any putrid or unsound beef, pork, fish, hides, skins, or any putrid carcass or any unwholesome substance or thing whatever, to be or remain on premises of which he shall be the owner or occupant until by offensive and ill stenches, or otherwise, they or any of them shall become hurtful, or dangerous to the health of the neighborhood.

Source: R.O.W., 1942
Section 10-401

10-702 SAME: NOTICE TO ABATE, FAILURE TO ABATE

It shall be the duty of the Health Officer to serve or cause to be served a notice in writing upon the owner, occupant, or agent of any lot, building, or premises in or upon which any nuisance may be found, or who may be the owner or cause of such nuisance, requiring them to abate the same in such manner as he shall prescribe and within the time named in said notice; provided, that it shall not be necessary in any case for the Health Officer to specify in his notice the manner in which any nuisance shall be abated unless he shall deem it advisable to do so. Such notice may be given or served by any officer or person who may be directed or deputed to give or make the same and if such owner, occupant, or agent shall neglect or refuse to comply with the requirements of such order within the time specified they shall be subject to the penalty hereinafter prescribed, and it shall be the duty of said officer to proceed at once upon the expiration of the time specified in said notice, to cause such nuisance to be abated. Provided further, that whenever the owner, occupant, or agent of premises is unknown or cannot be found the said Health Officer shall proceed to abate the same without notice, and in either case the expenses of such abatement shall be collected from the person who may have created, continued, or suffered such nuisance to exist.

Source: R.O.W., 1942
Section 10-402

10-703 SAME: CHIEF OF POLICE TO REPORT

It shall be the duty of the Chief of Police to report to the Health Officer the existence of any nuisance whatever in said City and perform such other acts relative to the same according to the general or special regulations relative thereto.

Source: R.O.W., 1942
Section 10-403

10-704 DEAD ANIMALS NOT TO BE LEFT OR DEPOSITED IN CITY

No owner or possessor of any animal which shall have died shall suffer the same to lie on any public ground, street, lane, alley, or any private lot or place within the City, nor shall any person throw or leave any such animal or any vegetables or decayed animal matter or any slops or filth whatever, solid or fluid, into any pool of water in said City, and it shall be unlawful for any owner or possessor of any dead animal to bury the same either within the jurisdiction or the ground designated for such purposes by the City Council without first getting a written permit therefor, either from the Health Officer or Chief of Police.

Source: R.O.W., 1942

10-705 FOUL AND NAUSEOUS LIQUORS NOT ALLOWED ON GROUND

No person shall discharge out of or permit to flow from their business, residence or other place any foul or nauseous liquor, slops, oil, gas, or other petrochemical products or residues or substances whatever into any public or private grounds within said City.

Source: R.O.W., 1942
Section 10-406

10-706 ASHES, DUMPING OF, UNLAWFUL WHERE

It shall be unlawful for any person to deposit, place, or dump any ashes or cinders in or on any of the public streets, sidewalks, alleys, or grounds of the City of Wahpeton, or in any place whatever within a distance of ten (10) feet of any building of any kind whatever; provided, however, that this Section shall not apply to ashes or cinders placed or dumped in iron cans, which are fitted with iron covers and kept constantly covered and which are located upon any private property within the City Limits.

Source: R.O.W., 1942
Section 10-408

10-707 CELLAR, VAULT, DRAIN, ETC., NOT ALLOWED TO BECOME NAUSEOUS

No person shall suffer or permit any cellar, vault, private drain, cesspool, privy, or sewer upon any premises belonging to or occupied by him or her within the limits of the City to become nauseous, offensive, or injurious to the public health.

Source: R.O.W., 1942
Section 10-411

10-708 LOTS, ETC.: TO BE KEPT CLEAN

All occupants of any lands, lots, or premises within the City Limits shall remove all stagnant water and all matter, both animal and vegetable of whatever kind or nature decaying or likely to decay, from said premises so occupied by them and shall clean and cleanse the same, including the streets and alleys abutting the same to the middle line thereof and shall cut and remove all weeds, grass, or other vegetation growing on said premises or any such streets or alleys, which might tend to make the same unsightly or unhealthful, in such manner and within such time as shall be directed by the Board of Health or Chief of Police of said City, and all owners of unoccupied lands and premises within the City Limits shall clean and cleanse said premises, and remove all filth and offal and cut all weeds and grass growing thereon or on the streets or alleys abutting the same to the middle line thereof, which might tend to make the same unsightly, or unhealthful, in such manner and within such time as shall be directed by the Board of Health or Chief of Police of said City.

Source: R.O.W., 1942
Section 10-414

10-709 SAME: NOTICE TO CLEAN UP, GIVEN BY WHOM

The Street Commissioner or the Board of Health or other representative of the City may at any time give notice to any owner or person occupying any property within the City Limits directing that the same be cleaned up or cleanses of anything provided against in the foregoing Section and such owner or occupant shall cause such premises, street, avenue, or alley to be so cleaned or cleansed as aforesaid within twenty-four (24) hours after such notice, which may be served upon resident owners or occupants in the same manner as summons' in municipal court are served. In

the case of non-resident owners of premises within the City, such notice may be served upon non-resident owners or occupants in the same manner as summons' in municipal court are served. In the case of non-resident owners of premises within the City, such notice may be served by the Chief of Police by posting the same in a conspicuous place upon such property, and when so posted for the period of twenty-four (24) hours, such service shall be deemed complete and have the same force and effect as personal service, and such non-resident owner of such property shall cause the same to be cleaned up or cleansed as aforesaid within twenty-four (24) hours after service of such notice is complete.

Source: R.O.W., 1942
Section 10-415

10-710 SAME: FAILURE TO CLEAN UP

Any person failing, neglecting, or refusing to clean up or cleanse any premises within the City Limits upon notice from the Street Commissioner of the City or the Board of Health or other representative of the City within the time aforesaid shall be deemed guilty of a misdemeanor. In all cases where such notice has been served and where such owner or occupant neglects or refuses to comply with the requirements of such order and this Section within the time specified; it shall be the duty of the Street Commissioner or other representative of the City to proceed at once upon the expiration of such time to cause such premises to be cleaned up or cleansed as aforesaid, and she shall report in writing to the City Auditor the cost and expense of such labor, together with a description of the premises by lot and block number or by metes and bounds as the case may be, and such cost and expense shall be by said City Auditor caused to be assessed and spread upon the records against such premises as a special tax or recovered by a suit at law.

Source: R.O.W., 1942
Section 10-416

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 8. ANTI-LITTER

Section 10-801 Definitions
10-802 Litter in Public Places
10-803 Placement of Litter in Receptacles so as to Prevent Scattering
10-804 Sweeping Litter Into Gutters Prohibited
10-805 Merchants' Duty to keep Sidewalks Free of Litter
10-806 Litter Thrown by Persons in Vehicles
10-807 Truck Loads Causing Litter
10-808 Litter in Parks
10-809 Litter in Lakes and Fountains
10-810 Throwing or Distributing Commercial Handbills in Public Places
10-811 Placing Commercial and Non-Commercial Handbills on Vehicles
10-812 Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises
10-813 Prohibiting Distribution of Handbills Where Properly Posted
10-814 Distributing Commercial and Non-Commercial Handbills at Inhabited Private Premises
10-815 Dropping Litter From Aircraft
10-816 Posting Notices Prohibited
10-817 Litter on Occupied Private Property
10-818 Owner to Maintain Premises Free of Litter
10-819 Litter on Vacant Lots
10-820 Clearing of Litter From Open Private Property by City
10-821 Penalties
10-822 Separability

ARTICLE 8. ANTI-LITTER

10-801 DEFINITIONS

For the purposes of this Article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

2. "Authorized Private Receptacle" is a litter storage and collection receptacle as required and authorized in Section 10-305 or other provisions of the revised City Ordinances of the City of Wahpeton.

3. "City" is the City of Wahpeton.

4. "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(a)Which advertises for sale of merchandise, product, commodity, or thing; or
(b)Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
(c)Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; Provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or
(d)Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

5. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

6. "Litter", "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

7. "Newspaper" is any newspaper of general circulation as defined by general law, any

newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

8. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

9. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

10. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

11. "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

12. "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

13. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

14. "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

15. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

10-802 LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk or other public place or other place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps.

10-803 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

10-804 SWEEPING LITTER INTO GUTTERS PROHIBITED

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

10-805 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

10-806 LITTER THROWN BY PERSONS IN VEHICLES

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

10-807 TRUCK LOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

10-808 LITTER IN PARKS

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly dispose of elsewhere as provided herein.

10-809 LITTER IN LAKES AND FOUNTAINS

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

10-810 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful or any sidewalk, street, or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

10-811 PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

10-812 DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

10-813 PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

10-814 DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal Postal Law or regulations.

(a) Exemption for Mail and Newspapers. The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

10-815 DROPPING LITTER FROM AIRCRAFT

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

10-816 POSTING NOTICES PROHIBITED

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

10-817 LITTER ON OCCUPIED PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

10-818 OWNER TO MAINTAIN PREMISES FREE OF LITTER

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

19-819 LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

10-820 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY CITY

(a) Notice to Remove. The Building Official is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be by Registered Mail, addressed to said owner at his last known address. For purposes of Section 10-820 "owner" shall be defined to include the record titles owner(s), occupant(s), resident(s) or person(s) in control of private property, each of whom shall be jointly and severally liable and responsible for carrying out or complying with the provisions os Section 10-820.

(b) Action Upon Non-Compliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within five (5) days after receipt of written notice provided for in sub-section (a) above, or within three (3) days after the date of such notice in the event the same is returned to the City Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Building Official is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.

(c) Charge Included in Tax Bill. When the City has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six per cent (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 tax bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such bill.

(d) Recorded Statement Constitutes Lien. Where the full amount due the City is not paid by such owner within fifteen (15) days after the disposal of such litter, as provided for in subsections (a) and (b) above, then, and in that case, the Building Official shall cause to be recorded in the Office of City Auditor a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege 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. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of an amount equal to the interest on judgments as provided in the North Dakota Century Code in the event the same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the

property designated or described in the statement and that the same is due and collectible as provided by law. Nothing in this subsection shall preclude the city from recovering any cost and expense incurred for said work by a suit at law.

Source: Ord. #700

10-821 PENALTIES

Any person violating any of the provisions of this article shall be deemed guilty of a Class B misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars ($500.00) or be imprisoned for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

10-822 SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 9. CONTROL OF MOSQUITO BREEDING SITES

Section 10-901 Stagnant Water and Noxious Weeds - Control of
10-902 Duty to Drain Stagnant Water, Fill Excavations, and Remove Weeds
10-903 Notice to Clean Up, Give By Whom
10-904 Failure to Clean Up

ARTICLE 9. CONTROL OF MOSQUITO BREEDING SITES

10-901 STAGNANT WATER AND NOXIOUS WEEDS - CONTROL OF

No stagnant water shall be allowed to stand or remain, or noxious or other weeds allowed to grow, upon or along the line of any railroad, street, highway, alley, public place, or along or upon any vacant or other lot or place within the City nor shall any property within the City be kept in such a condition that it is a mosquito breeding site or area.

Source: Ord #535

10-902 DUTY TO DRAIN STAGNANT WATER, FILL EXCAVATIONS, AND REMOVE WEEDS

It shall be the duty of all persons having vacant lots or other lots, either as owners, tenants, or having control thereof as agents or otherwise, to remove or drain, or cause to be removed or drained, all stagnant water therefrom and to fill with gravel or earth to surface level all excavations, holes, depressions, or abandoned basements thereon, and to cut, or cause to be cut, and that all times keep down the growth of all noxious or other weeds on any such lot or lots and to do all things necessary and sufficient so that said property shall not be a mosquito breeding site or area.

Source: Ord #535

10-903 NOTICE TO CLEAN UP, GIVEN BY WHOM

The City Engineer may at any time give notice to any owner or person occupying any property within the City limits directing that the same be cleaned up or cleansed or changed from anything provided against in Sections 10-901 and 10-902 and such owner or occupant shall cause such premises, railroad, street, highway, alley, or public place to be so cleaned or cleansed or changed as aforesaid within three (3) days after such notice, which may be served upon said resident, owners or occupants in the same manner as summons' in municipal court are served. In the case of non-resident owners of premises within the City, such notice may be served by the Chief of Police by posting the same in a conspicuous place upon such property, and when so posted for a period of three (3) days, such service shall be deemed complete and have the same force and effect as personal service, and such non-resident owner of such property shall cause the same to be cleaned or cleansed or changed as aforesaid within three (3) days after service of such notice is complete.

Source: Ord #535

10-904 FAILURE TO CLEAN UP

Any person failing, neglecting, or refusing to clean or cleanse or change any premises within the City limits upon notice from the City Engineer within the time aforesaid shall be deemed guilty of a violation of the ordinances of the City of Wahpeton. In all cases where such notice has been served and where such owner/occupant neglects or refuses to comply with the requirements of such order pursuant to this Article within the time specified, it shall be the duty of the City Engineer to proceed at once upon the expiration of such time to cause such premises to be cleaned or cleansed or changed as aforesaid, and he shall report in writing to the City Auditor the cost and expense of such labor, together with a description of the premises by lot and block number or by metes and bounds as the case may be, and such cost and expense shall be by said City auditor cause to be assessed and spread upon the record against such premises as a special tax or special assessment, or as a municipal lien or shall cause said cost to be levied as a special tax against the land or to be recovered in a suit at law against said person.

Source: Ord #535

ANALYSIS AND INDEX TO SECTIONS

ARTICLE 10. PENALTY

Section 10-1001 Saving Clause
10-1002 Injurious Acts Not Expressly Forbidden
10-1003 Penalty for Violation of Chapter

ARTICLE 10. PENALTY

10-1001 SAVING CLAUSE

Should any Section, paragraph, sentence, clause, or phrase of this Chapter, Section, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid for any reason, the remainder of said Chapter shall not be affected thereby.

Source: R.O.W., 1942
Section 10-501

10-1002 INJURIOUS ACTS NOT EXPRESSLY FORBIDDEN

Every person who willfully and wrongfully commits any act which injures the person or property of another, or which grossly disturbs the public peace of health, or which openly outrages public decency, and is injurious to public morals, although no punishment is expressly prescribed therefor by this Chapter, is guilty of a violation against the ordinances of the City of Wahpeton.

Source: R.O.W., 1942
Section 10-502

10-1003 PENALTY FOR VIOLATION OF CHAPTER

Any person, firm, or corporation violating any of the terms or provisions of this Chapter shall upon conviction be punished by a fine not to exceed Five Hundred Dollars ($500.00), or by imprisonment not to exceed thirty (30) days; or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Source: R.O.W., 1942
Section 10-503