

## CHAPTER IX.

### HEALTH, SAFETY, AND SANITATION

#### ARTICLE I. BOARD OF HEALTH: HEALTH OFFICER

9-101. BOARD OF HEALTH: HOW CONSTITUTED. The Health Officer and three aldermen of the City Council shall, constitute the Board of Health, and shall have and exercise the powers conferred upon such Board by law and this Article, with the assistance and approval from the City Council as the circumstances may require.

9-102. SAME: MEETING OF. The Health Officer shall meet with the City Council as circumstances require or anytime at the order of City Council.

9-103. SAME: JURISDICTION OF. The Health Officer and the Board of Health shall exercise a general supervision over the health of the City with full power to take all steps and use all means and measures necessary to promote the cleanliness and salubrity thereof; to prevent the introduction into the City of malignant, contagious or infectious diseases, and to remove or otherwise take care of any person attacked by any such disease, and to adopt in reference to such person any regulation, restrictions, or measures deemed advisable, and to establish rules for the government of the City pesthouse and quarantine hospital, and to have such other powers and duties conferred upon them as are provided by state law.

9-104. SAME: TO PROVIDE BOOKS. It shall be the duty of the Health Officer to provide the necessary books for keeping the record of all transactions of said department.

9-105. HEALTH OFFICER: APPOINTMENT, TERM OF, QUALIFICATIONS. At the first meeting of the City Council in April of each even numbered year there may be appointed by the Mayor and confirmed by the Council one (1) Health Officer, who shall hold his office for two (2) years and until his successor shall be appointed and qualified. He shall be a competent physician in regular practice, and shall perform such duties as may be provided by law and by the ordinances of the City.

9-106. SAME: TO HAVE SUPERVISION OF SANITATION. The Health Officer shall have and exercise a general supervision over the sanitary condition of the City.

9-107. SAME: TO GIVE PROFESSIONAL ADVICE TO WHOM. He shall give the Mayor and City Council all such professional advice and information as they may require with a view to the preservation of the public health, and whenever he shall hear of the existence of any malignant, contagious, or pestilential disease he shall investigate the same and adopt measures to arrest its progress.

9-108. SAME: TO REPORT TO COUNCIL WHEN. The Board of Health shall at the end of each quarter submit to the City Council a full report comprising everything

connected with the workings of the Health Department during the quarter. At the end of each official year the officer shall report to the Mayor and City Council a full and concise statement of the Health Office in classified and tabular form, comprising the report of the mortuary tables, financial report, and a full statement of the sanitary condition of the City, together with any special observations, recommendations, or facts that he may present that may be conducive to the health, and improve sanitary conditions of the City.

9-109. PERSONS TO OBEY REGULATIONS OF BOARD OF HEALTH. 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 the carrying into effect any of the provisions of this chapter or powers or any law of this state, or otherwise, as if the same had been here inserted at length.

## ARTICLE II. CONTAGIOUS DISEASES

9-201. CONTAGIOUS DISEASES: DUTY OF HEALTH OFFICER. It shall be the further duty of the Health Officer to visit and examine or cause to be visited and examined all sick persons who shall be reported to him as afflicted with or supposed to be afflicted with any diphtheria, smallpox, cholera, or any infectious or pestilential disease and cause all such infected persons to be removed to the pesthouse or to such other safe and proper place as he may think proper, not exceeding three (3) miles from said City, and cause them to be provided with suitable nurses and medical attendance, at their own expense, if they are able to pay for the same, but if not, then at the expense of the City.

9-202. SAME: NOTICE TO BE POSTED ON HOUSES. It shall be the duty of the Health Officer to cause a notice to be placed upon or near any house in which any person may be affected or sick with any disease named or provided for in this article, upon which shall be written or printed the name of such disease, and no person or persons shall remove, deface, mutilate, or interfere in any way with the said notice without permission from the Health Officer.

9-203. SAME: CHILDREN AFFLICTED WITH, NOT TO ATTEND SCHOOL. No child, minor, or person from any house where any person or persons are sick or infected with any of the contagious or infectious diseases named and provided for herein shall attend any public, private, or sectarian school in this City until the recovery or death of said sick person or persons and in either event the aforesaid child, minor, or person shall be provided with a written statement by the attending physician, if any, or if not, then by the Health Officer, certifying to their non-contagiousness, which statement must be presented to the principal or teacher of said public or private school before said child, minor, or person will be allowed to return.

9-204. SAME: DUTY OF PHYSICIAN TO INSTRUCT PARENTS UPON DISCOVERY OF: It shall be the duty of all physicians, upon the discovery of any contagious or infectious disease, to instruct the parents or guardian of and child or minor who may be

residing at the infected premises of the provisions of 9-203, and it shall be the duty of any principal or teacher of any public, private or sectarian school in the City, to report at once to the Health Officer in writing any violation of 9-203.

9-205. SAME: HEALTH OFFICER TO VISIT SCHOOLS. The Health Officer is hereby empowered to visit any and all public or private schools in the City and to make or cause to be made an examination of the children and minors in attendance therein as often as he may deem necessary to secure compliance with the provisions of this article.

9-206. SAME: TEACHERS LIABLE, WHEN. Any principal or teacher of a public school, or principal or teacher of any private or other school who shall violate any of the provisions of this chapter, or shall in any way prevent or attempt to prevent a Health Officer from exercising the power conferred upon him by this Chapter, shall upon conviction be liable to the penalty hereinafter-prescribed.

9-207. SAME: ROOM TO BE DISINFECTED. Upon the death or convalescence of any person affected or sick with any of the contagious or infectious diseases named or provided for herein, the Health Officer shall at once cause the room or rooms used by and those in the immediate vicinity of said person or persons, together with the contents of said room or rooms, to be thoroughly disinfected, cleansed, fumigated, or whatever in his discretion may be deemed necessary in order to prevent a further spread of the disease, even in extreme cases to destroy the contents of said rooms, all this to be done at the expense of the owner when he or she is able, and when he or she is not, then at the expense of the City.

9-208. SAME: REPORT TO BE MADE OF. Every person shall report to the Health Officer of the City, in writing, every person having a contagious, infectious, or other disease, herein enumerated, such as cholera, yellow fever, scarlet fever, typhus fever, smallpox, varioloid, diphtheria, or any of the grades of all such diseases, typhoid fever, pneumonia, influenza, pulmonary tuberculosis, chicken pox, or measles (and the state of his or her disease, and his or her place of dwelling and the name if known) which such physician had prescribed for or attended for the first time since having such disease during any part of the preceding twenty-four (24) hours. Not more than one report shall be required in one (1) week concerning the same person, but every attending or practicing physician there must, at his peril, see that each report has been made by some attending physician.

9-209. SAME: PHYSICIAN TO REPORT DEATHS FROM. It shall be the duty of each and every practicing physician to report in writing to the Health Officer the death of any of his patients who shall have died in said City of contagious, infectious or any other diseases mentioned in 9-208 within twenty-four (24) hours thereafter, and to state in such report the specific name and type for such disease.

9-210. SAME: DUTY OF KEEPER OF BOARDING HOUSE, ETC. TO MAKE REPORT OF. Every keeper of every boarding house or lodging house and every innkeeper and

hotel keeper shall within twenty-four (24) hours report, in writing, to the Health Officer the same particulars in 9-209 required of any physician, concerning any person being at any of the aforesaid houses or hotels and attacked with or suffering from any contagious or infectious disease.

9-211. SAME: MANAGERS OF PUBLIC INSTITUTIONS TO MAKE REPORT OF. The commissioner, managers principal, or other proper head officer of each and every public or private institutions in said City shall once in each week report in writing (or cause such report by some proper person to be made once in each week) to the Health Officer, and state therein the names, if known, and condition and the disease of any and every person being thereat and sick of any contagious or other disease.

9-212. SAME: DUTY OF IN CASE OF EPIDEMIC DISEASE. In case of pestilence or epidemic disease or danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the City should be of such a character as to warrant it, it shall be the duty of the Health Officer to take such measures, and to do and order and cause to be done, such acts for the preservation of the public health (though not herein or elsewhere or otherwise authorized) as he may in good faith declare the public safety and health to demand.

9-213. SAME: VACCINATION, WHEN. The Health Officer may take such measures as he may from time to time deem necessary to prevent the spreading of smallpox by issuing an order requiring all persons in the City or at any part thereof requiring vaccination, to be vaccinated, within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to the penalty hereinafter specified-provided, that it shall be the duty of the Health Officer to provide for the vaccination of such persons as are unable to pay for the same, at the expense of the City.

9-214. SAME: TO DISINFECT HOUSES. The Health Officer shall have power to cause any house or any premises to be cleansed, disinfected, or closed to visitors, and to prevent persons from resorting thereto while any person is afflicted with any pestilential or infectious disease, and he may by an order in writing direct any nuisance to be abated, or any unwholesome matter or substance, dirt or filth, to be removed from any house or premises, and may prescribe the time and mode of doing so, and shall take any other measures he may deem necessary and proper to prevent the spread of any infectious, pestilential, or epidemic disease.

9-215. SAME: TO MAKE RULES FOR QUARANTINE STATION. The Health Officer shall make such rules and regulations for the government of the quarantine or health of the City as from time to time he shall deem necessary, and the physician or Health Officer in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conduct and management thereof; and it shall be the duty of all persons in quarantine and all agents, officers, policemen, or others employed by the City in or about said quarantine stations or places to carry out and obey the same.

9-216. TO MAKE CIRCUIT OF CITY MONTHLY. It shall be the duty of the Health Officer to make a circuit of observation once in each month to every part of the City and its environs which from the location or from any collateral circumstances may be deemed the cause or location of disease, and in all cases where he may discover the existence of any agent, the presence of which will or may prove dangerous to the health of the City, and there is no ordinance competent for the correction of the evil, he shall immediately report the same to the City Council, accompanied with his opinion of the necessity of extraordinary or particular action.

9-217. SAME: TO KEEP VACCINE VIRUS. Said Health Officer shall also have on hand as far as practicable a sufficient quantity of vaccine virus, and he shall vaccinate and re-vaccinate all persons who may apply to him and require such certificate for admissions to the public school.

9-218. REPORT CONCERNING PERSONS NEEDING HELP. It shall be the duty of every person knowing of any individual in said City, sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for to avoid giving said disease to others) and the duty of every physician hearing of any such sick person whom he shall have reason to think requires the attention of the Board of Health, to at once report the facts to said Board of Health in regard to the disease, condition, and dwelling place or location of such sick person.

9-219. REGULATIONS UPON DEATH OF PERSONS INFECTED WITH CONTAGIOUS DISEASE. Upon the death of any person affected or sick with a contagious or pestilential disease named or provided for in this article, the following regulations must be observed: The remains of said person must be thoroughly disinfected and be exposed to the view of no one except those absolutely necessary in preparing the body for burial, and be placed in a hearse which must not be accompanied by more than two (2) vehicles, and shall be taken directly from the place of death to the place of burial.

9-220. FUNERAL OF DISEASED PERSONS, HOW CONDUCTED. When funeral obsequies are desired in any death from any contagious or infectious disease, the Health Officer may grant a permit for the purpose subject to the following conditions: That the body be placed in a metallic casket which shall be hermetically sealed at once and which shall not be opened afterwards. The room containing the same shall be fumigated with sulphur or other approved disinfectant for at least ten (10) hours before the funeral takes place, and disinfected with approved disinfectants such as are not injurious to furniture or wearing apparel. This shall be done under the supervision of the Health Officer, and whose directions shall be obeyed.

9-221. BURIAL OF DISEASED PERSONS. The burial of any person who may die of any of the contagious or infectious diseases named or provided for in this article must take place within twenty-four (24) hours after such death, and when practicable, shall take place in the night.

9-222. INFECTED ARTICLE OR PERSONS NOT BROUGHT INTO CITY. No person shall bring into this City from any infected place, or from any railroad car or building in which there has lately been any person sick of a contagious or infectious disease, any article or person whatsoever, nor shall any person come into the City without the permit of the Board of Health. It shall be no excuse that such person or article so offending or the occasion of offense has passed through quarantine, or has a permit from any other source than the said Board of Health.

9-223. INFECTED PERSONS NOT TO BE MOVED ABOUT IN CITY. No person shall within the City without a permit from the Health Officer carry or remove from one building to another any person sick of any contagious disease, nor shall any person by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by the needless exposure of himself cause or contribute to or promote the spread of disease from any such person or from any dead body.

9-224. PERSONS NOT TO LEAVE QUARANTINE WITHOUT PERMISSION OF HEALTH OFFICER. No person who has been affected or sick with any of the contagious or infectious diseases named and provided for herein who has been quarantined or isolated in any place within the jurisdiction of the City shall be allowed to leave such quarantine without permission of the Health Officer.

9-225. HEALTH OFFICER- TO ENFORCE SANITARY REGULATIONS. It shall be the further duty of the Health Officer to enforce all the Laws of the State and ordinances of the City in relation to the sanitary regulations of the City, and cause all nuisances to be abated with all reasonable promptness.

9-226. CHIEF OF POLICE TO REPORT NUISANCES TO HEALTH OFFICER. It shall be the duty of the Chief of Police to report to the Health Officer the existence of any nuisances whatever in the City, and perform such other acts relative to the same according to the general or special regulations thereto.

### ARTICLE III. SANITARY DISPOSAL OF HUMAN EXCRETA

9-301. PRIVIES: UNLAWFUL, EXCEPTION. It shall be unlawful to maintain or use within the City of Gwinner any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of human excreta, either by a flush toilet connected with a sewerage system approved by the City Health Officer and the State Department of Health, or by a privy which meets the requirements of construction and maintenance hereinafter described.

9-302. SAME: CONNECTIONS REQUIRED TO SEWER AND WATER.

(1) Every building where persons reside, congregate, or are employed which abuts a street, avenue, or alley in which there is a public sanitary sewer, or which is within two hundred feet (200) of a public sanitary sewer, shall be connected to the sewer, and with a separate connection for each house or building. This shall also apply to water connections.

(2) No residence or establishment connected to the city sewerage system shall be allowed to build and maintain a privy of any description provided that this does not apply where special permission is obtained from the City Health Officer.

(3) Each connection and each fixture emptying through the connection shall be installed in the manner prescribed by the Plumbing Code of the City of Gwinner, North Dakota.

(4) Buildings which are not habitable, as determined by the City Building Inspector, shall not be connected to the city water and sewerage systems.

The Building Inspector shall notify the Superintendent of Waterworks and Sewerage of any houses on such list which are not habitable and considered to be substandard.

The Superintendent of Waterworks and Sewerage shall issue no permit for connection to sewer and water for any structure on such list as being an uninhabitable structure.

#### 9-303. SAME: WHEN PERMISSIBLE, HOW CONSTRUCTED.

(1) Private Sewer System.

(a) Any residence, place of business, or other building where there is installed a water-flush system of excreta disposal which is not connected to a public sewer system approved by the City Health Officer and the State Department of Health, and where the customary users do not exceed ten (10) in number, there shall also be established or installed a private sewer-disposal plant, said disposal plant to consist of a, septic tank and a system of underground drains for the disposal of the tank effluent.

Said tank and drains shall be so constructed as to meet the requirements of construction and maintenance hereinafter described and prescribed by the State Department of Health.

(a-1) Septic Tanks. The sizes of septic tanks shall be as follows:

Minimum Size..... 65 cu. ft.

Serving 8 persons..... 70 cu. ft.

Serving 10 persons.....,80 cu. ft. Septic tanks shall have a covered manhole of sufficient size to allow cleaning of the tank.

(a-2) Drains. Sufficient open-jointed drains shall be provided and the construction shall be such that sewage shall at no time flow over the top of the ground. Thirty (30) feet of drain per person shall be recognized as a minimum.

(a-3) Trenches. Drain-line trenches shall be two (2) feet in width and at least two (2) feet in depth. The drain lines shall be laid on a six 6 inch bed of crushed stone or clean gravel covering the full width of the trench and mounded up over the top of the tile. The back filling of the trench should provide an earth covering of twelve (12) inches for the tile at all points. Location of septic tank and drainage line shall be so located that no drinking water supply shall be subject to contamination therefrom.

(b) At any residence, place of business, or other building where there is installed a water-flush system of excreta disposal which is not connected to a public sewer system, approved by the State Department of Health, and where the customary users exceed ten (10) in number, this shall be considered as a special case and must be approved by the Health Department before installation.

Each fixture connected to any private sewage-disposal plant, and all piping and appurtenances thereto, shall be installed as prescribed by the Plumbing Code of the City of Gwinner, North Dakota.

(2) Pit Privy.

(a) There at any time there shall be established or installed a pit privy, said pit privy shall be constructed in accordance with the plans, specifications and regulations of the Board of Health.

9-304. SAME: REPAIR OF DEFECTS. Should any defect occur in the privy which would cause it in any way to fail to meet the requirements as provided above, the defect shall be immediately corrected by the owner or agent of the premises on which the defect has occurred, unless the defect shall be caused by neglect, destructiveness or carelessness on the part of the occupant of the premises on which the defect has occurred, or through his agent, in which case the defect shall be immediately repaired or corrected by the occupant, or the agent of the occupant, of the premises on which the defect has occurred.

9-305. SAME: CLEANLINESS. All privy buildings shall be kept in a clean condition at all times, the owner shall be responsible for the proper maintenance and care of all privy buildings. In case the owner does not occupy the property, the responsibility for proper maintenance shall be with the renter or lessee.

9-306. PRIVY OR PRIVATE SEWER DECLARED NUISANCE, WHEN. Any privy or private sewer existing or being maintained which does not conform to the requirements of this article, shall be, and is hereby declared a nuisance, dangerous, and a menace to the public health, and the City of Gwinner, North Dakota, shall have the power and the authority to abate any such nuisance in accordance with the law.

9-307. ENFORCEMENT BY HEALTH OFFICER. It shall be the duty of the City Health Officer to enforce the provisions of this article, and in the performance of this duty the City Health Officer or his duly authorized agent is hereby authorized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this article.



#### ARTICLE IV. SLAUGHTERING ANIMALS AND POULTRY FOR FOOD

9-401. KILLING OF ANIMALS AND POULTRY FOR FOOD PERMITTED. That the holding, killing and processing of animals for food within the City Of Gwinner, is hereby permitted under the terms, conditions, regulations and restrictions as hereinafter set forth.

9-402. SAME: DEFINITIONS. The term "holding room" shall mean the room in which animals or fowls are held prior to being killed and processed for food for human consumption; the term "killing room" shall mean the room in which the actual killing and rough-dressing of animals and fowls is done; the term processing shall mean the cutting, curing, storing or otherwise preparing meat for sale or actual use by the person or persons who will be the consumer.

9-403. SAME: KILLING. All killing of animals and fowls under the terms, conditions and regulations of this ordinance shall be done in a humane manner and without any noise or disturbance in any manner whatsoever.

9-404. SAME: KILLING PLACE. Each killing place shall have a holding room in connection therewith in which surplus animals may be kept until actual killing takes place and it is further provided that no animal or fowl shall be held in any holding room for a period of more than four (4) hours before killing.

9-405. CONSTRUCTION. The holding and killing rooms must be of sound proof construction with concrete floors of a smooth finish and such as can be easily cleaned and drained. The walls and ceilings must be of a waterproof, washable substance of a smooth finish and easily cleaned and not likely to gather or retain dirt of any nature. There must be an unloading room which shall be enclosed abutting on the holding or receiving room in which all trucks and other vehicles shall be placed while livestock is being unloaded.

9-406. VENTILATION. All rooms used for the holding or killing of animals or fowls must be ventilated with an exit at least fifteen (15) feet above the floor level which ventilation opening must be in a stack or cupola.

9-407. DOORS AND WINDOWS. All doors and windows must be screened so as not to admit insects. Windows in holding and killing rooms must be at least five (5) feet above the floor level to sill. All doors having an exit to the outside of the holding or killing rooms must be tightly closed at all times except for the admission of animals or fowls. All doors and window casings and frames must be metal covered facing the inside of the plant. Nontransparent glass must be used in the doors and windows of the holding and killing rooms.

9-408. NO PARKING. Animals must be unloaded from conveyance immediately upon arrival on the premises and conveyances hauling animals or fowl will not be allowed to park on premises or alleys near premises, either with or without animals or fowls.

9-409. SEWAGE AND WATER REGULATIONS. Each killing plant must be equipped with a sewer outlet and drain in the killing room to connect to an adequate sewer system. There must be an adequate supply of water for use that cleanliness can be assured- No blood from the killing of animals or fowls will be allowed to enter into the sewer and no residue from animals or fowls will be allowed to enter the sewerage system of the City. All blood and solid matter must be disposed of in a manner as designated by the health department of the City of Gwinner. No sewer drain or outlet shall be allowed in which the holes or openings shall be of a diameter of over 3/8 of an inch.

9-410. WASHING AND DISINFECTING. The holding and killing rooms must be washed and thoroughly cleaned each day after holding and killing for the day has been completed. A disinfectant must be used liberally to insure the best possible sanitation of the plant and particularly of the holding and killing rooms.

9-411. OUTSIDE OF PREMISES. The outside of premises must be kept clean and wholesome and no offal, residue, straw or other refuse shall be permitted or allowed to gather, collect or to remain on or about the premises.

9-412. DISPOSAL OF RESIDUE. All offal, residue and waste matter from animals or fowls, or anything not immediately usable for human consumption, shall immediately be hauled out and disposed of in a sanitary manner by the operator of the plant, which hauling shall be done in tightly closed containers.

9-413. NO BASEMENT ENTRANCES. No openings other than sewer shall be made through the floors of the holding and killing rooms. All floors must be solid and there must be no seepage of water or other matter from either the holding or killing rooms through the floors.

9-414. CONFORMITY TO LAWS. All regulations for holding, killing and processing of animals and fowls, in addition to the terms, conditions and regulations contained in this ordinance shall also be in strict conformity with any and all regulations as laid down by the rules and regulations now in force or that may at any time hereafter be laid down by the Board of Health of the City, by the State Board of Health and by the National Health Authorities.

9-415. NO RENDERING. No rendering or non-edibles, such as lard, tallow, bones, skins, etc., shall be permitted in any form whatsoever.

9-416. ENFORCEMENT. The health officer or any police officer of the City of Gwinner shall be charged with the strict enforcement of this ordinance. The Health Officer, or any member of the Board of Health and any police officer of the City of Gwinner and

any state Health Officer or national Health Officer shall have authority to enter upon the premises and any part thereof at any time, for the purposes of inspection and the enforcement of any provisions of this ordinance.

## ARTICLE V. GARBAGE COLLECTION

9-501. ESTABLISHMENT OF SYSTEM. There is hereby established a bonded and licensed garbage and rubbish collection and disposal system in the City of Gwinner for the collection and disposal of garbage and rubbish under the provisions of this ordinance.

9-502. INTENTION OF ORDINANCE. The maintenance of the public health and sanitation requires, and it is the intention hereof to establish a bonded and licensed collection, removal and disposal of garbage and rubbish within the City of Gwinner, and to regulate the charges of collecting and disposing of the same.

9-503. DEFINITIONS.

(1) Garbage, as the term is used in this Ordinance, shall include all of the accumulations of household waste matter, including dry kitchen refuse, meat, vegetable and fruit refuse, and all tin cans and bottles.

(2) Rubbish, as the term is used in this ordinance, shall include glass, scraps of iron, tin, wire, or any other metals, lawn clippings rags old clothing, paper and cardboard containers, papers, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, grass, barnyard and stable manure, tree limbs, leaves, ashes, and similar accumulations.

9-504. OTHER DISPOSAL PROHIBITED. It shall be unlawful for any person, persons, or corporations to throw or deposit upon or in any lot, public thoroughfare, street, alley, sewer, drain, river or any other property or any place whatsoever, public or private, in the City of Gwinner, any garbage, or rubbish except as provided in this Ordinance, unless authorized by the City Health Officer, to be used as fill, in which event it shall be placed on the premises within fifteen (15) feet of the alley, in a neat pile.

9-505. BURNING PROHIBITED-EXCEPTIONS. It shall be unlawful for any persons or corporation to burn any garbage, rubbish or other wastes within the city limits of the City of Gwinner.

9-506. GARBAGE CANS AND COVERS REQUIRED. Each property owner or occupant shall furnish and keep on the premises served at a place that can be easily and conveniently reached by the garbage collectors, and where said property abuts an alley, then not more than fifteen (15) feet from said alley, one or more suitable metal or plastic garbage cans equipped with close fitting lids, of a capacity not less than ten (10) or more than thirty-two (32) gallons each. Covers shall be kept on said cans at all times.

9-507. RUBBISH CONTAINERS. Rubbish shall not be mixed with garbage but shall be placed in a separate container of the size and material approved by the Street Commissioner, but in no event of not more than thirty-two (32) gallons capacity, and located as provided for location of garbage cans in this ordinance, and all rubbish shall by the person, firm or corporation under those premises the same has been produced or accumulated be placed and kept within said receptacle.

9-508. PREPARATION OF GARBAGE AND RUBBISH FOR COLLECTION. All kitchen garbage shall be drained of excess water. No rubbish as defined herein, shall be placed in said garbage cans but shall be placed in separate containers as in this Ordinance provided.

9-509. APPLICATION FOR LICENSE. Any person desiring to conduct and operate a garbage and rubbish collection and disposal system for hire, within the City of Gwinner, shall make an application to the City Council through the City Auditor, which application shall be accompanied by the fee hereinafter provided for, which application shall state the following facts, viz:

- (1) The name, age, sex and address of the applicant.
- (2) The kind of equipment with which business is to be carried on with.
- (3) A brief statement of applicant's experience in the business with the equipment.
- (4) A schedule of fees to be charged within the City of Gwinner, which schedule shall be open to public inspection, and shall be subject to the approval of the City Council.
- (5) Applicants shall be residents of the City of Gwinner, North Dakota.
- (6) If applicant is a co-partnership, one member of the firm shall be a resident of the City of Gwinner, North Dakota, and if a corporation, one stockholder shall be a resident of the City of Gwinner, North Dakota.
- (7) Names of three (3) local residents shall be given for reference.
- (8) Statement of any other business applicant in engaged in.

9-510. BOND ON APPROVAL OF APPLICATION. Applicant shall furnish a bond for Two Hundred Dollars (\$200.00) to the City of Gwinner to be approved by the City Council, conditioned for the prompt and faithful performance of the duties imposed upon the licensee by this ordinance or any amendment thereto, or any regulation promulgated for the collection and disposal of garbage and rubbish as provided by this ordinance.

9-511. MINORS AND TRANSFER. No license shall be issued to a minor, and no license shall be transferable, except with the consent of the City Council.

9-512. LICENSE FEE. The license fee shall be the sum of Fifty Dollars (\$50.00) payable annually, on or before the first day of January of each year, or a proportionate part thereof for a fraction of a year.

9-513. APPROVAL OF HEALTH DEPARTMENT. All of the operations and work performed by and required of the garbage collector in accordance with this ordinance, and the removal and handling and disposal of said garbage and rubbish shall at all times be in strict compliance with the requirements of the City Health Officer and the Board of Health of the City of Gwinner.

9-514. COLLECTION BY GARBAGE COLLECTOR. All garbage and rubbish from the entire City of Gwinner shall be collected by the garbage collector as frequently as is necessary to maintain and preserve the health, cleanliness, and good appearance of the community.

9-515. PRIVATE HAULING PERMISSIBLE. Nothing in this ordinance shall prohibit the individual residents of the City of Gwinner, in hauling and disposing of their own garbage and rubbish but they shall not be permitted to haul for others.

9-516. SCHEDULE OF COLLECTION FEES. For the collection of garbage and rubbish by the city and the disposal thereof there is hereby fixed and established the following schedule of monthly fees and charges:

a. For each water meter or family unit as established by the water department of the city in a residence, the sum of \$11.44 shall be charged.

b. For each water meter as established by the water department of the city in a commercial setting and not using a dumpster or any container measurable by the yard other than a standard residential type garbage container, the sum of \$11.44 shall be charged.

c. Dumpster rates for each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, an amount as may be fixed and determined by the board of the governing body after a study of the kind and quantity of the garbage and rubbish and other are determined according to the following schedule:

Yards	<u>Times collected per week</u>				
	1	2	3	4	5
1	55.11	79.85	103.48	127.10	tbd
1.5	59.61	83.23	107.97	tbd	tbd
2	67.49	95.61	123.73	tbd	tbd
2.5	73.11	101.23	129.34	tbd	tbd
3	79.86	113.60	133.85	tbd	tbd

4	114.72	175.46	229.46	tbd	tbd
6	128.22	202.46	269.94	359.92	404.91

(tbd= to be determined by the city council)

d. Residential and Commercial recycling pickup shall be charged the sum of \$4.28 in addition to collection fees above.

#### ARTICLE VI. DUMP GROUNDS

9-601. ESTABLISHMENT OF CITY DUMPING GROUNDS. There is hereby established a city dumping ground to be under the supervision of a caretaker appointed by the Mayor, with the approval and consent of the Council, the Mayor in his Order of Appointment to fix salary and bond of caretaker.

9-602. SAME: MANNER OF DESIGNATING PLACE. The Mayor with the consent and approval of the Council shall designate by specific description one or more dumping grounds; which order designating city dumping grounds shall be in writing filed with the City Auditor and shall be published once in the official newspaper of the City. Only materials approved by the State of North Dakota shall be deposited in the dumping ground.

9-603. REMOVING REFUSE. All ashes, refuse, garbage, junk and worthless matter of all kinds and descriptions that may accumulate within the City of Gwinner shall be, at least once each year, and oftener, if liable to become offensive, be removed at the expense of the owner, renter, or anyone in charge of or occupying any real property within the City, to said city dumping ground or other appropriate facility, and shall be deposited in the place or places designated by the caretaker thereof, who shall at all times keep open roads or alleys, suitable for motors or vehicles loaded with such refuse to be driven upon, to the places so designated by said caretaker, within said designated dumping ground, for such refuse to be unloaded.

9-604. SAME: USE RESTRICTED TO RESIDENTS OF THE CITY. It shall be unlawful for any person except he be a resident of the City of Gwinner to deposit any matter of any kind or description in the city dump grounds, and then only such refuse as may have been accumulated within the City of Gwinner.

#### ARTICLE VII. PARKING AND LOCATING TRAILERS

9-701. DEFINITIONS. Whenever used in this article unless a different meaning appears from the context:

(1) An "Automobile Trailer", "Trailer Coach", or "Trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on

highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

(2) A "Trailer Camp" means any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designated, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. "Trailer Camp" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

(3) A "Tourist Camp" means any park, tourist park, tourist court, camp, court, site, lot, parcel, or tract of land upon one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week, or month whether a charge is made or not.

(4) A "Unit" means a section of ground in a trailer camp of not less than eight hundred (800) square feet of unoccupied space in an area designated as the location for only one automobile and one trailer.

#### 9-702. PARKING OF TRAILERS: WHEN AND WHERE PERMITTED.

(1) It shall be unlawful, within the limits of the City of Gwinner, for any person to park any trailer on any street, alley, or highway, or other public place, or any tract of land owned by any person, occupied or unoccupied, within the City of Gwinner, except as provided in this article.

(2) Emergency or temporary Stopping or parking is permitted on any street, alley, or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(3) No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved trailer camp; except, the parking of only one (1) unoccupied trailer in an accessory private garage building, or in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

9-703. VISITORS PERMIT. The owner of any lot outside the fire limits of the City of Gwinner may receive a "Visitors Permit" to park a trailer on such lot for a period of not exceed two (2) weeks. A "Visitors Permit" may be granted upon the written request accompanied by written consent of adjoining property owners to the granting thereof and providing that the trailer is parked not less than ten (10) feet from either side lot line and eight (8) feet from any building and not within the setback area of the front of said

lot. Visitors permit may be renewed for an additional two (2) weeks period only upon the same terms and conditions.

9-704. TRAILER CAMPS AND PARKS. Trailer camps and parts, as defined in Chapter VIII, Article XIII, may be established in commercial zones only and must be duly licensed and approved and constructed as hereinafter provided or as set forth in Chapter VIII.

9-705. ENFORCEMENT. The Health Officer of the City of Gwinner, together with the Chief of Police and the Chief of the Fire Department are hereby designated as the Board to enforce all of the provisions of this article. The City Auditor of the City of Gwinner shall be secretary for said Board.

#### ARTICLE VIII. PENALTY

9-801. SAVING CLAUSE. Should any section, paragraph sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby.

9-802. INJURIOUS ACTS NOT EXPRESSLY FORBIDDEN. Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, and is injurious to public morals, although no punishment is expressly prescribed therefor by this compilation, is guilty of a misdemeanor.

9-803. 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 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.