

12/18/11
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Ordinance No. 212
By I.R. Woodward, M.D.

AN ORDINANCE CREATING THE OFFICE OF HEALTH COMMISSIONER OF THE CITY OF PAYETTE, DEFINING HIS POWERS AND DUTIES, FIXING HIS TERM OF OFFICE AND COMPENSATION, DEFINING NUISANCES AND THEIR ABATEMENT, AND RELATING TO THE GENERAL HEALTH OF THE COMMUNITY.

Be it Ordained by the Mayor and Council of the City of Payette, Idaho:

Health commissioner-How appointed-Term of office-Compensation.

Sec.1. The office of health commissioner of the city of Payette is hereby created, and such officer shall be appointed by the mayor, by and with the advice and consent of the city council, and shall hold his office during the term of, and under the conditions prescribed for other appointive officers. The salary of the health commissioner shall be \$_____ per month, payable quarterly.

Bond.

Sec.2. The health commissioner shall, before assuming the duties of his office, furnish a good and sufficient bond in the sum of five hundred (\$500.) dollars.

Duties of health commissioner - Powers.

Sec.3. The health commissioner shall exercise a general supervision over the health of the city, and shall have full power to take all measures necessary to promote the health and cleanliness thereof, to abate all nuisances of every description on public and private ground. He shall be familiar with the requirements of the State Board of Health and act in conformity therewith.

He may in cases of emergency employ one or more competent persons to assist him in the discharge of his duties, and shall make all rules and regulations, not inconsistent with the laws or ordinances of the city, apt and necessary for the preservation of the public health, or for the prevention and suppression of malignant, infectious, and contagious diseases, or epidemics which may appear or are likely to appear in the city.

The health commissioner is hereby authorized to enter in the day time upon any premises and into any houses and buildings in the city, and cause to be abated, removed or destroyed, any nuisance or any substance injurious to health wherever the same may be found in the city; and for said purposes the health commissioner may command the services of the police force to aid him in the inspection of any premises, houses or buildings, or in the abatement, removal or destruction of any such nuisance or noxious substance found at any place in the city.

Unlawful to interfere with health commissioner or his employes.
Sec.4. It shall be unlawful for any person or persons to molest, hinder, interfere with or in any manner prevent the health commissioner, or any individual engaged by him, from performing any duty imposed upon him, or made by any law of the city or state, or any rule of the said commissioner; nor shall any one interfere with the health commissioner or his employes in any acts done to prevent the spread of contagious diseases or in enforcing any of the laws and ordinances of the city in reference to health.

Health commissioner shall keep correct records.

Sec.5. The health commissioner shall cause to be kept in suitable books a full and correct record of his rules, acts and proceedings. He shall also cause to be kept a full and correct account of all expenses incurred by his authority, specifying the amounts, why, when and how incurred and for what purposes applied, and also a correct account of all moneys received by him from whatever source, and shall turn all such moneys received by him, belonging to the city, over to the city clerk, to be placed in the general fund of the city of Payette.

Expense accounts - How paid.

Sec.6. Any expense accounts incurred under the provisions of this ordinance shall be examined, signed and approved by the health commissioner, audited by the finance committee, and paid in the same manner as other accounts against the city of Payette are paid.

Abate nuisances- Notice- Service -Failure to comply.

Sec.7. The health commissioner shall have power whenever in his opinion a nuisance or filth exists, to notify the owner or owners thereof or his agents, to abate or remove the same, either by filling up, draining, cleaning, purifying or removing the same, as the case may be. It shall be the duty of the health commissioner, and such other officers as he may employ, or direct, to serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance or filth may be found, or upon him who may be the owner or cause of any such nuisance, requiring him to abate the same in such time as the officer serving such notice shall, under the direction of the health commissioner, prescribe; Provided, That it shall not be necessary in any case for any officer to specify in his notice the manner in which any nuisance shall be abated, unless it shall be deemed advisable so to do. Such notice shall be served by any policeman or other employee of the city.

Any person who shall as owner, occupant or agent, fail to comply with such order, or to show good cause for such failure, for which purpose he shall be entitled to a hearing before the health commissioner, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined and punished as may be provided by ordinance, and the nuisance shall be abated or removed, and the cost thereof collected by the city, with interest and damages, in any suitable action.

printed in one issue of the official newspaper of the city; and if, within two days after the publication, the nuisance or filth shall not be abated or removed, or the order observed, then the health commissioner may order the abatement or removal of the same, and the cost when fully completed, shall be ascertained and collected by the city from the owner or owners of said property, with interest and damages, in any suitable action; and in case of the non-residence of the owner the city may have an attachment against the property, in the manner provided by law for attachment in other cases; Provided, That in cases of great emergency, when the public health is in danger from pestilence, epidemic or disease, the health commissioner shall order the abatement, removal or destruction of the offensive matter summarily and without notice, and the city council may, by ordinance, provide for the summary abatement of nuisances, and the establishment of a ~~lien~~ lien on the premises for the cost of the same.

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Printed notice - Non-residence of owner - Great emergency.

Sec.8. If personal service of such notice can not be made, for the reason that the owner, agent or other person having charge of the property upon which the nuisance or filth may exist can not be found in the city, of which fact the sworn return of the policeman or other employee of the city serving such notice shall be prima facie evidence, then the health commissioner shall cause such notice to be printed in one issue of the official newspaper of the city; and if, within two days after the publication, the nuisance or filth shall not be abated or removed, or the order observed, then the health commissioner may order the abatement or removal of the same, and the cost when fully completed, shall be ascertained and collected by the city from the owner or owners of said property, with interest and damages, in any suitable action; and in case of the non-residence of the owner the city may have an attachment against the property, in the manner provided by law for attachment in other cases; Provided, That in cases of great emergency, when the public health is in danger from pestilence, epidemic or disease, the health commissioner shall order the abatement, removal or destruction of the offensive matter summarily and without notice, and the city council may, by ordinance, provide for the summary abatement of nuisances, and the establishment of a ~~lien~~ lien on the premises for the cost of the same.

Police to report any nuisance to health commissioner.

Sec.9. It shall be the duty of the police officers to observe the sanitary condition of the city, and to report to the health commissioner promptly any nuisance or accumulated filth found in any portion of the city.

Sewer inspector to report to health commissioner.

Sec.10. It shall be the duty of the sewer inspector to report to the health commissioner promptly any leaky, obstructed or other unsanitary condition of the sewer systems.

Anything detrimental to health a nuisance.

Sec.11. Any act or thing, done or made, permitted or allowed, or continued on any property, public or private, by any person or corporation, their agents or servants, detrimental to health, or to the damage or injury of any of the inhabitants of this city, shall be deemed a nuisance.

Complaint of nuisances - How made.

Sec.12. Complaint of nuisances shall be made in writing and filed with the health commissioner. Said complaint shall state the nature and location of the nuisance and be signed by the person making the complaint.

Water works to be examined - Report made.

Sec.13. The health commissioner shall at suitable intervals make a thorough inspection of the sanitary condition of the city water system, and at least once each year shall make, or cause to be made, a chemical and bacteriologic analyses of the water. A written report of the findings of such examination shall be filed with the city clerk.

Contaminated or impure well a nuisance.

Sec.14. Any well on any property within the limits of the city of Payette, whenever a chemical analysis or other proper test, or the location of the same, shows that the water of the said well is probably contaminated, impure or unwholesome, shall be deemed a nuisance.

Owner or occupant of premises must abandon and fill well-When.

Sec.15. Every owner, tenant, occupant, lessor or lessee, or other persons in possession of any premises or any part thereof, upon which is located a well containing contaminated, impure or unwholesome water must abandon the use of the same and must cause the same to be filled up with earth or such other material as may be designated by the health commissioner.

Privies, vaults or cesspools in sewer districts, a nuisance.

Sec.16. No privy, vault or cesspool shall hereafter be constructed within a legal sewer district, and all cesspools, vaults or privies already existing within the sewer districts are hereby declared nuisances and are condemned; Provided, however, That the health commissioner may, with the consent of the city council, in suitable cases, issue a permit for the construction of a properly protected vault or privy. Such privy or vault shall be constructed of cement, well burned brick or stone, and shall be watertight. When such vaults or privies are constructed of stone or brick, the sides and bottom shall be at least eight inches thick and shall be laid in and coated with a good quality of cement. All such privy vaults hereafter constructed shall be six feet in depth, and no more.

Privy vault not to be built within ten feet of street or lot line.

Sec.17. No privy vault shall be built or maintained within ten feet of the line of any street or of the party line of adjacent lot or lots, or of the doors or window of any house, or of any well; Provided, however, that any privy vault may be built at any place in the rear of any lot, not in a sewer district, within ten feet from the rear line of said lot abutting upon any public alley; Provided, however, that said vault shall not be nearer to any street, door, window or well than is provided in this section. All privy vaults now existing or maintained in the city of Payette, which are not located in compliance with the requirements of this section are hereby declared nuisances and condemned.

Foul or defective vaults, cesspools, etc., prohibited.

Sec.18. It shall be unlawful for any person to maintain, keep, permit or suffer to exist any privy vault, cesspool, water closet or other receptacle whatsoever of human excrement upon any premises in the city of Payette, of which he or she is the owner, agent, tenant, sub-tenant, lessor, lessee or occupant, which is in a foul, filthy, stinking, insecure, leaking or defective condition, or emitting smells or odors prejudicial to health, or in any other state or condition which is detrimental to public health.

Use of a defective vault prohibited.

Sec.19. It shall be unlawful for any person to use or permit to be used any privy vault or cesspool in the city of Payette, when the same shall not be built or constructed, and thereafter maintained in a condition in accordance with the provisions of this ordinance; Provided, That no notice shall be required to any such person as a condition precedent before the commencement of an action for a violation of this ordinance.

Vaults, cesspools, etc., cleaned when.

Sec.20. All privy vaults and cesspools must be cleaned whenever the contents thereof shall be within two feet of the top or surface of the ground. Whenever the contents of the privy vault or cesspool shall be removed, or a notice or order shall be issued by the health commissioner for that purpose, the contents of such privy vault or cesspool shall be cleaned to the bottom.

Cesspools, vaults, etc., Must be cleaned and filled up when discontinued

Sec.21. Whenever the use of any privy vault or cesspool is discontinued, such privy vault or cesspool must be cleaned to the bottom and filled up with earth or other suitable material; Provided, however, that the health commissioner may in suitable cases issue a permit for the filling of discontinued privy vaults and cesspools without first removing the contents.

Removal of contents of vaults, etc., - when and how.

Sec.22. The contents of any privy vault or cesspool within the limits of the city of Payette, shall not be removed therefrom, nor shall the same be transported through any street, alley or public place within the city, except by means of air-tight vessels or apparatus approved by the health commissioner, which shall preserve such contents from sight or exposure during such process of removal or transportation, and such removal or transportation shall only take place during such hours as the health commissioner shall hereafter designate.

Contract for garbage removal - Bond.

Sec.30. In case it shall be deemed advisable and to the advantage of the city of Payette by the health commissioner, he may, with the approval of the mayor and council, enter into a contract or contracts with one or more persons, firms or corporations for the removal beyond the limits of the city and disposition of all or any part of the garbage of the city; such contract or contracts shall be in writing, and shall be signed and approved by both the health commissioner and the mayor, and shall be in the name of the city of Payette, and shall be made upon such terms and conditions as these officers may deem for the best advantage for the city; said contract or contracts shall only be made after due advertisement for proposals on the same, and the contract to be awarded to the lowest responsible bidder. The said health commissioner to have the right to reject any or all bids.

Provided, That no contract shall be entered into which by its terms extends beyond the period of one year, except that the said contract may contain an option of renewal on behalf of the city for the period of another year.

Provided, further, That the compensation to be paid for the removal and disposition of the garbage shall be paid out of the general fund in equal monthly installments.

And Provided, further, That before any such contract so executed, shall be in force and binding upon the city of Payette, the contractor named therein shall execute a good and sufficient bond to the city of Payette in the sum at least equal the amount of the whole contract price named in the contract. The said bond to be conditioned for the full and faithful performance of all the agreements and covenants in said contract and for a complete compliance with all the ordinances of the city of Payette.

Unclean stable or stall, etc., a nuisance.

Sec.31. Whenever any stable, stall, shed or apartment, or any yard or appurtenance thereof in which any horse, cow or swine, or any other animal shall be kept, or any other place within the limits of the city of Payette, in which manure or liquid discharges of such animals shall collect and accumulate, and which shall not be kept in a cleanly or wholesome condition so that no offensive smell shall be allowed to escape therefrom, the same shall be deemed a nuisance; Provided, That a reasonable amount of manure may be allowed at the discretion of the health commissioner, to be accumulated on private premises, for the purpose of cultivating the same; and Provided further, That whenever, in the opinion of the health commissioner, such accumulation is a nuisance or detrimental to health, it may be forbidden and designated a nuisance under the prior provisions of this section.

Stalls and stables, how kept.

Sec.32. Every owner, agent, lessee, tenant or occupant of any stall, stable or apartment in which any horse, cow or other animal shall be kept, or any place in which any manure or any solid or liquid discharge or excrement may collect or accumulate, shall at all times keep or cause to be kept such stall, stable or apartments and the drainage yards and appurtenances thereof, in a cleanly, wholesome and and healthful condition, and no offensive smell shall be allowed to escape therefrom

Manure, how kept - Removal.

Sec. 33. Manure may be kept in a tight, unleaking box, satisfactory to the health commissioner. When said manure box is kept in the alley outside the stable it shall not occupy a space over two and a half feet wide and six feet long, but whenever and wherever kept it must be upon the following conditions, namely: Where one or two horses or other animals are kept the manure must be removed _____ every _____ in the summer and _____ every _____ in the winter; where three or more animals are kept, and from livery stables or corrals, it must be removed as often as shall be hereafter ordered by the health commissioner or city council.

Limits of construction of livery stables, etc.

Sec. 34. No livery stables, stock yards, corrals, stable for boarding horses, pig pens or dairies shall be erected, established or carried on in any part of this city without a permit from the city council, who shall not grant a permit for the erection or carrying on of any of the above mentioned establishments or vocations in any block of the city, unless a majority of the owners of the lots composing such block shall consent in writing to the erection or establishment or carrying on of the same therein. No permit shall be issued by the city council for any livery stable, stock yard, corral, boarding stable, pig pen or dairy to be erected, carried on or conducted within five hundred feet of any school building or church in this city.

Health commissioner may require a permit.

Sec. 35. The health commissioner may at any time require any livery stable, stock yard, corral, boarding stable, pig pen or dairy erected, maintained or conducted within the limits of the city of Payette, at the time of passage of this ordinance, to procure from the city council, a permit to conduct or maintain the above mentioned establishments or vocations. The health commissioner shall require that the above mentioned establishments be kept in a cleanly, wholesome and healthful condition at all times, and that no offensive smell shall be allowed to escape therefrom. Any such permit may be at any time revoked, if any of the business or places specified are so conducted as to be a nuisance.

Pond or pool a nuisance.

Sec. 36. Any lot or piece of ground within the limits of the city of Payette on which there is a pond or pool of unwholesome, impure or offensive water or other material, shall be deemed a nuisance.

Discharge of filthy or offensive water, from laundries, dwellings, stores, etc., a nuisance.

Sec. 37. Whenever from any laundry, dwelling, store, factory, or any yard or inclosure of any kind whatsoever within the limits of the city of Payette, there is discharged into or upon any street, alley, avenue, sidewalk, gutter or any vacant lot any filthy or offensive water, smell or liquid, or waste or refuse of any kind, which is offensive or liable to become so, the same shall be deemed a nuisance.

Handbills, posters and placards a nuisance.

Sec. 38. Any handbill, poster, placard, painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other building, vehicle, or upon any fence or other structure with or without permission of the owner, agent or occupant shall be deemed a nuisance. Any posters, waste paper, advertising matter, wrapping paper, or handbills, thrown into or upon a yard, street, alley, stairway, sidewalk, gutter or public ditch, or vacant or unoccupied lot, shall be deemed a nuisance.

Garbage removed beyond city limits - Rules therefor.

Sec. 23. In order to protect the health of the inhabitants of the city, all garbage must be removed beyond the city limits to such distance as the health commissioner may, from time to time, direct. The said commissioner shall have power to prescribe such rules as he may deem proper, not inconsistent with the ordinances of the city, to govern the manner and time for the collection and removal of such garbage.

Garbage defined - Garbage carts or vehicles.

Sec. 24. The word garbage as herein used is intended to mean all refuse, animal or vegetable matter. All carts or vehicles used to transport garbage, swill, offal or other loose material on or through the streets or alleys of this city shall be fitted with a good and substantial tight box thereon securely enclosed and with sufficient covering as to prevent the escape of any of the contents or effluvia therefrom.

Garbage, cans, bottles, paper, etc., not to be thrown in streets.

Sec. 25. No person shall throw or permit to be thrown into any ~~street or alley~~ ^{Barb wire} or other public place any swills, slops, garbage, tincans, bottles, rags, cast-off clothing, paper, or any animal or vegetable refuse whatever.

Offal, garbage, etc., shall not be thrown into vaults, nor ashes in garbage cans.

Sec. 26. No person shall throw into or deposit in any vault, water closet, or cesspool, any offal, garbage, or any other substance whatever, except that of which any such place is the appropriate receptacle, and no ashes shall be permitted to be placed in garbage cans.

Deposit of waste, garbage, filth, etc., in private alley or yard a nuisance.

Sec. 27. All waste, garbage, filth or refuse of any kind, nature or description whatsoever found in or upon any private alley, yard or area within the limits of the city of Payette, except as is so deposited under the provisions of this ordinance, shall be deemed a nuisance.

Unclean or defective drain, ditch, garbage box, etc., a nuisance.

Sec. 28. Any unclean, leaking, foul, unsafe, defective, or filthy drain, ditch, tank or any leaking or broken slop, garbage or manure box or receptacle of like character, whenever or wherever found in the city of Payette, shall be deemed a nuisance.

House garbage cans - How often emptied.

Sec. 29. Housekeepers may deposit garbage in suitable water-tight iron or tin vessels, or cans closely covered, and provided at their own expense, to be placed within the rear of the lot adjacent to the alley, so that they can be conveniently removed by the garbage collector; but no ashes or anything excepting dry garbage, within the meaning of this ordinance, shall be deposited within such vessels. The size and construction of all such garbage cans or vessels shall be subject to the approval of the health commissioner. The garbage collector shall remove such garbage when it has been so deposited from all private houses not less than _____ each month in the winter, _____ each _____ in the summer.

Throwing watermelon rind on street or sidewalk prohibited.

Sec.39. No person shall throw upon any street, sidewalk or other public place any watermelon rind, banana peeling or vegetable or animal refuse of any kind; and it shall be the duty of any police officer of the city to arrest any person found so doing.

Anything detrimental to health a nuisance.

Sec.40. Every other act or thing, done or made, permitted or allowed, or continued on any property, public or private, by any person or corporation, their agents or servants, detrimental to health, or to the damage or injury of any of the inhabitants of this city, and not hereinbefore specified, shall be deemed a nuisance.

Nuisances, how abated.

Sec.41. Every nuisance in this ordinance mentioned, declared or defined, is hereby prohibited, and whenever the health commissioner of the city of Fayette shall have proceeded in accordance with the provisions of this ordinance, the same shall be abated either by destroying, covering, filling up, draining, cleaning, purifying or removing the same, as the case may be.

~~Notices, how served, and contents thereof.~~

~~Sec.42. In order to better carry out the provisions of this ordinance, it shall be the duty of the health commissioner and such other officers as he may employ, or direct, to serve 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 upon him who may be the owner or cause of any such nuisance, requiring him to abate the same in such time as the officer serving such notice shall, under the direction of the health commissioner, prescribe; Provided, That it shall not be necessary in any case for any officer to specify in his notice the manner in which any nuisance shall be abated, unless it shall be deemed advisable so to do; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such notice within the time herein specified, he shall, upon conviction thereof, be fined as hereinafter provided.~~

Penalty.

Sec. ~~43~~ 4. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists any of the provisions of this ordinance, or who refuses or neglects to obey any of the rules, orders, proclamations or sanitary regulations of the health commissioner or mayor; or who omits, neglects or refuses to obey, or who resists any officer or order, or special regulations of said health commissioner or mayor, shall, upon conviction, be fined in a sum not less than three dollars nor more than one hundred dollars, and every omission, neglect, or continuance of the thing commanded or prohibited by this ordinance for twenty-four hours shall constitute a separate and distinct offense, and shall be fined accordingly.

Repealing and saving clause.

Sec.44. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except so far as they are re-enacted by this ordinance.

Authorization of publication of this ordinance in pamphlet form.

Sec.45. This ordinance is hereby ordered to be published in pamphlet form by authority of the city council of the city of Fayette.