



CHAPTER 10 HEALTH

ARTICLE 1 **Board of Health**

10.0101 **Members** The Board of Health shall be the Bowman City Commission and the City Health Officer or City Physician; who shall have and exercise all powers under the law.

10.0102 **Regulations, Notice of** Notice shall be given by the Board of Health, pursuant to the laws of the State of North Dakota, of all general orders and regulations made by such board, by publishing the same in the official newspaper within the jurisdiction of the board, which publication shall be deemed a legal notice to all persons.

ARTICLE 2 **Contagious Diseases**

10.0201 **Duty of Health Officer** He shall properly instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious and other diseases and shall furnish each physician with the necessary blanks for that purpose, said blanks to be of the form prescribed by the State Board of Health. He shall keep a record of all dangerous, contagious and infectious diseases occurring within his jurisdiction, which record shall show the name and address of the party affected, the name of the disease, by whom reported, and such other statistical data as may be required by the State Board of Health and shall perform such other duties as may be prescribed by the laws of the state and the ordinances of the city.

10.0202 **Report Required of Disease** Every physician called in to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report of the same within twenty-four (24) hours after being called in to the Health Officer. In case no physician is in attendance it shall be the duty of the person in charge or having the care of such person to make a report within twenty-four (24) hours from the time the disease is recognized.

10.0203 **Quarantine** The Health Officer shall have charge of the enforcement of the quarantine rules. He shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the health officer shall determine the time when the quarantine ends.

10.0204 **Fumigation** Premises which have been quarantined in accordance with the terms of the preceding section shall be thoroughly fumigated or otherwise freed from all risk of contagious disease, under the supervision of the Health Officer before the quarantine shall end.

10.0205 **Spreading Contagion** It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same.

10.0206 **Deliveries to Quarantined Premises** No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed

from any such premises until the termination of the quarantine and no such container which has been left at such premises during the quarantine shall be placed in use for carrying food or drink until it has been thoroughly sterilized.

10.0207 Penalty The violation of any of the provisions of this article shall be punishable by a fine of not more than Five Hundred and No/100 Dollars (\$500.00).

(Revised 4-03-2001)

ARTICLE 3 Garbage, Refuse, Rubbish - REPEALED FEB 05 – REPLACED BY
CHAPTER 7A

ARTICLE 4 Dangerous Buildings

10.0401 Dangerous Buildings Defined All buildings or structures which have any or all of the following defects shall be deemed “dangerous buildings.”

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which exclusive of the foundation, show thirty-three percent (33%) or more, damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have sufficient strength to be reasonable safe for the purpose used.
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.
5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
6. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairway, elevators, fire escapes or other means of communication.
7. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

8. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.
9. Those buildings existing in violation of any provision of the building code, fire prevention code, electrical or plumbing codes or of other ordinances of this city.

10.0402 Standards for Repair, Vacation or Demolition The following standards shall be followed in substance by the building inspector and the governing body in ordering repair, vacation or demolition:

1. If the “dangerous building” can be reasonable repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
2. If the “dangerous building” is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupant it shall be ordered to be vacated.
3. If any case where a “dangerous building” is fifty percent (50%) damaged or decayed or deteriorate from its original value or structure, it shall demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation to the terms of this article is shall be demolished. In all cases where a “dangerous building” is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the State of North Dakota, it shall be demolished.
4. Any basement of sub-structures that are left after any house has been moved, burned, demolished, or otherwise destroyed shall be deemed condemned and must have all construction materials removed and the remaining hole filled.

10.0403 Dangerous Buildings – Nuisances All “dangerous buildings” within the terms of Section 10.0401 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

10.0404 Duties of Safety Inspector

1. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a “dangerous building” within the terms of Section 10.0401 of this article.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.

3. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this city as probably existing in violation of the terms of this article.
4. Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the Register of Deeds of the County of Bowman, of any building found by him to be a “dangerous building” within the standards set forth in Section 10.0401 of this article that: (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession.

Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days as may be necessary to do , or have done, the work or act required by the notice provided for herein.

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

(Revised 4-03-2001)

10.0405 Duties of the Bowman City Commissioners the Bowman City Commission shall:

1. Upon receipt of a report of the Safety Inspector as provided for in Section 10.0404, subsection 6 hereof, give written notice to the owner, occupant, mortgagee, lessee and all other person having an interest in said building as shown by the records of the Register of Deeds of the County of Bowman, to appear before it on the date specified in the notice to

show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector’s notice provided herein Section 10.0404, subsection 5.

2. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the Register of Deeds of the County of Bowman shall offer relative to the “dangerous building”.
3. Make written findings of fact from the testimony offered pursuant to subsection 2 as to whether or not the building in question is a “dangerous building” within the terms of section 10.0401 hereof.
4. Issue and order based upon findings of fact made pursuant to subsection 3 commanding the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the Register of Deeds of the County of Bowman to repair, vacate or demolish any building found to be a “dangerous building” within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said “dangerous building”.

10.0406 Failure to Comply with Decision of the Commission If the owner, occupant, mortgagee or lessee fails to comply with the order of the Commission or fails to appear to the District Court within thirty (30) days as provided herein, the city through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the Commission and shall cause the costs of such repair, vacation or demolition to be charged against the land on which said building existed by special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner.

10.0407 Violations – Penalty for Disregarding Notices or Orders The owner of any “dangerous building” who shall fail to comply with any notice to order to repair, vacate or demolish said building given by any person authorized by this article to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding Five Hundred and No/100 Dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order as above stated shall be deemed a separate offense.

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

Any person removing the notice provided for in Section 10.0404, subsection 8 thereof shall be

guilty of an infraction and upon conviction shall be fined not exceeding Five Hundred and No/100 Dollars (\$500.00) for each offense. (Revised 4-03-2001)

10.0408 Duties of the City Attorney The City Attorney shall:

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

10.0409 Where Owner Absent from the City In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notice or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Bowman to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the “dangerous building” to which it relates. Such mailing and posting shall be deemed adequate service.

10.0410 Duties of Fire, Police and Health Departments All employees of the Fire, Police and Health Departments shall make written reports to the Safety Inspector of all buildings or structures which are, may be, or are suspected to be “dangerous buildings” as herein defined.

10.0411 Appeal The governing body shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in any such building so ordered repaired, vacated or demolished, a copy of its order, such notice to be served upon such owner, occupant, mortgagee or lessee shall thereafter have thirty (30) days from the date of the service of such order upon him in which to appeal from such order to the District Court of Bowman County, North Dakota, or to take such other legal steps to enjoin the enforcement of such order as he may deem proper.

ARTICLE 5 Anhydrous Ammonia Ordinance

10.0501 Purpose The purpose of this Ordinance is to prevent, reduce or eliminate the risk of harm to the public health, safety and general welfare of the persons throughout the City of Bowman by restricting and prohibiting the storage and parking of anhydrous ammonia within the City of Bowman, in order to prevent injury or the threat of injury to residents or others throughout the City.

10.0502 Storage and Parking of Anhydrous Ammonia Tanks It shall be unlawful for any person, firm, corporation or other entity to store or park anhydrous ammonia upon any street,

avenue, road, alley or any other public right-of-ways in the City of Bowman. This shall include all private or public properties within the corporate city limits of Bowman.

10.0503 Removal of Anhydrous Ammonia from Residential Properties It any vehicle, trailer or semi-trailer is found in violation of provisions of this article, the fire chief or any law enforcement officer shall require the owner, operator or lessee of the trailer to remove it immediately. If such removal is not accomplished on the order of any such officer, it may be accomplished by such officer by any reasonable means.

10.0504 Penalty for Violation Any person, firm or corporation violating the terms or provisions of this article shall upon conviction in Bowman Municipal Court, be punished by a fine of not to exceed five hundred dollars (\$500.00) and not less than twenty-five dollars (\$25.00).

APPENDIX 10-1

IN THE MATTER OF "DANGEROUS BUILDINGS" LOCATED
AT BOWMAN, NORTH DAKOTA UNDER
ARTICLE 4, CHAPTER TEN

NOTICE OF HEARING

You are hereby notified that the Safety Inspector of Bowman, North Dakota, has filed with the Bowman City Commission a report that you have not complied with a Notice and Order issued by him that buildings located at _____ were dangerous buildings and were to be demolished by you prior to _____, 20__.

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

Dated _____, 20__.

THE CITY OF BOWMAN, NORTH DAKOTA

By _____
President

ATTEST:

City Auditor.

APPENDIX 10-2

IN THE MATTER OF A "DANGEROUS BUILDING" LOCATED ON

TO THE CITY OF BOWMAN, NORTH DAKOTA WITH AN ADDRESS OF:

_____, BOWMAN, ND

NOTICE AND ORDER

You are hereby notified that the undersigned, Safety Inspector of the City of Bowman, North Dakota, acting pursuant to Article 4, Chapter 10 of the Ordinances of the City of Bowman, has made an inspection of the following described building in which you are, or appear to be, interested:

You are further notified that the undersigned, Safety Inspector, deems the foregoing described building to be dangerous within the meaning of Section 10.0401 of said Ordinances of the City of Bowman, in the following particulars:

YOU ARE THEREFORE ORDERED TO:

the said building on or before this ____ day of _____, 20__.

Safety Inspector

Dated this _____ day of _____, 20__.

APPENDIX 10-3

This is a suggestion as to the warning sign that should be printed in red.

WARNING

Whereas it has been determined by appropriate inspection that the dwelling or building to which this notice is attached does not comply with Ordinances of the City of Bowman, all persons are hereby warned that it is unlawful to rent, lease, let, occupy, or permit the use or occupancy of this dwelling or building, or dwelling purposes or as a place of employment for human beings, or to remove or molest this notice.

City Health Officer
Bowman, North Dakota