

## **CHAPTER TEN**

### ***HEALTH***

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## **HEALTH**

### **ARTICLE 1 - BOARD OF HEALTH**

#### **10.0101 Members**

The ND Dept of Health , First District Health Unit and the Sawyer City Council 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 First District Health Unit. 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 First District Health Unit, 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 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 not 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 less than Five Hundred and No/100 Dollars (\$500.00) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment.

### **ARTICLE 3 - GARBAGE, REFUSE, RUBBISH**

#### 10.0301 Definitions

For the purpose of this article the following words shall have the meanings given herein:

1. Ashes: Is the residue from burning wood, coal, coke or other combustible material.
2. Garbage: Is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. Refuse: Is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
4. Rubbish: Is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, aluminum, yard clippings and tree trimmings, wood, glass, bedding, crockery and similar materials.

#### 10.0302 Accumulation of Refuse Prohibited

No person shall permit or suffer to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by him, or for which he may be agent, within the city limits, any and all refuse, nor suffer such yard, lot, place or premises to be or remain in such condition.

#### 10.0303 Containers

All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in totes supplied by the sanitation dept.

Containers for wet garbage shall have plastic disposable liners.

Containers shall be placed in the alley of those lots having access to any alley and along the curb if no alley is accessible. The city may specify where containers shall be placed along the alley or street for convenience of collection.

#### 10.0304 Burning

No garbage, refuse or rubbish shall be burned within the city or in disposal grounds maintained by the city.

#### 10.0305 Nuisance

Failure to comply with the provisions of Section 10.0302, 10.0303 and 10.0304, herein contained shall constitute a public nuisance and be punishable as such under the terms of Chapter Twelve of these ordinances.

#### 10.0306 City Collection

All garbage and rubbish as defined herein shall be collected by the city or franchised contractor as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible to do so in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

#### 10.0307 Fees

For the collection of garbage and rubbish by the city or franchised contractor and the disposal thereof there is hereby fixed and established the following schedule of monthly fees and charges:

1. For each water meter of family unit charge as established by the Water Department of the city in residence, the sum of the current cost shall be charged.
2. For each apartment house of residence building containing two (2) or more apartment, a fee of the current cost per residence for each apartment building.
3. For each commercial establishment, regardless of the nature thereof, from which garbage or rubbish is collected, a minimum charge as stated by hauler and handling fee per month, plus such additional amount as may be fixed and determined by the board of the governing body after a study of the kind and quantity of the garbage and rubbish or other factors incident to the collection thereof are determined, a schedule of such charges shall be filed in the office of the City Auditor and be available for public inspection.
4. An extra charge may be made for removal of ashes, garbage, refuse and rubbish not in containers on a basis of nature, amount and clean-up time required for removal.

All fees are to be billed to the owner of the property assessed.

#### 10.0308 Fees - Payment - Collection

In all places where water service is provided, the monthly charge set forth in the preceding section shall be added to and collected as a part of the water bill and collected by the water department, but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill, either monthly or quarterly as the case may be. If such charge is not paid when due the water service to such premises shall be shut off by the water department in the same manner as is now provided for in the case of delinquency in payment of water bills and such service shall not be restored without the payment of the penalties now provided for.

In all places where water service is not provided, the charges above set forth shall be paid to the Water Department of the city upon quarterly bills from the Water Department.

If the garbage and rubbish charge so established is not paid when due, such sum may be recovered by the city, in an action at law against the owner or occupant or both, of the property so served.

The proceeds from the collection of the fees and charges shall be placed in water, sanitation, sewer dept and all of the expense of the city, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, shall be paid out of the general fund.

#### 10.0309 Fees - Payment - Collection by Franchised Contractor

In the event the city elects to franchise a contractor to perform the collection services contemplated by this section, collection of fees, limited as set out in this section, are to be made by the contractor. Failure to pay fees billed by the contractor within fifteen(15) days of billing and reporting of the failure to pay to the city shall release the contractor from collection responsibility regarding the delinquent premises. On being notified of delinquencies the city may avail itself of any or all of the collection provision of section 10.0308.

#### 10.0310 Disposal of Refuse not Collected by the City

All other wastes as defined, and not included under garbage, rubbish and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the City Health Officer; or, such person may arrange with some person not in their employ to collect or haul such waste to such points as are designated by the City Health Officer. Hauling done by or for an individual may only be done in a covered container or covered truck box.

#### 10.0311 Supervision

The collection, removal and disposal of garbage and rubbish under the provision of this article, shall be under the supervision, direction and control of the Sawyer City Council with the assistance of the City Health Officer. The Sawyer City Council shall, unless there is a franchised contractor, appoint such employees as shall be necessary to carry out the purposes of this article, which appointments shall be subject to the approval of the governing body.

#### 10.0312 Rules and Regulations

The Health Officer of the city shall prescribe such reasonable rules and regulation in connection with the preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. He may direct that the city garbage and rubbish collection crews shall not collect garbage and rubbish from any premises where such rules and regulation are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this code. In the absence of city collection crews the Health Officer may give instructions to a franchised contractor.

### **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 of deterioration of the supporting member of 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 they 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 facilitates 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 deteriorated from its original value or structure, it shall be 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 it 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.

#### 10.0403 Dangerous Building- Nuisances

All “dangerous buildings” within the term 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 Building Inspector

The Building Inspector and City Fire Chief shall be able to:

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 Ward, 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 of 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 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 Council any noncompliance with the “notice” provided for in subsection 4 and 5 hereof.
7. Appear at all hearings conducted by the Sawyer City Council and testify as to the condition of “dangerous buildings”.
8. Place a notice on all “dangerous buildings” reading as follow: “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 Ward. It is unlawful to remove this notice until such notice is complied with.”

#### 10.0405 Duties of the Sawyer City Council

The Sawyer City Council shall:

1. Upon receipt of a report of the Building Inspector as provided for in Section 10.0404, subsection 6 hereof, give written notice to 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 Ward, 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 for herein in 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 Ward 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 term of section 10.0401 hereof.
4. Issue an 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 Ward 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 Council

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Council 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 Council and shall cause the costs of such repair, vacation or demolition to be charged against the land on which said building existed by special assessment, or as a special tax against the land upon which said building stands of 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 or 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.

#### 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 and interest in said building as shown by the land records of the Register of Deeds of the County of Ward 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 Building 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 Ward County, North Dakota, or to 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 Council under and by virtue of this article shall file an undertaking in the sum of at least Five Hundred and No/100 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 the District Court. Such undertaking shall be payable to the city.

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**APPENDIX 10-1**

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

NOTICE OF HEARING

You are hereby notified that the Building Inspector of Sawyer, North Dakota, has filed with the Sawyer City Council 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 Sawyer City Council 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 Building Inspector's Notice.

Dated \_\_\_\_\_, 20\_\_\_\_\_.

THE CITY OF SAWYER , NORTH DAKOTA

BY \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Auditor

**APPENDIX 10-2**

IN THE MATTER OF A "DANGEROUS BUILDING" LOCATED ON

\_\_\_\_\_  
TO THE CITY OF SAWYER, NORTH DAKOTA, WITH AN ADDRESS OF  
\_\_\_\_\_

NOTICE AND ORDER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
You are hereby notified that the undersigned, Building Inspector of the City of Sawyer, North Dakota, acting pursuant to Article 4, Chapter 10 of the Ordinances of the City of Sawyer, 1985, 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, Building Inspector, deems the foregoing described building to be dangerous within the meaning of Section 10.0401 of said Ordinances of the City of Sawyer, 1995, in the following particulars: \_\_\_\_\_  
\_\_\_\_\_

YOU ARE THEREFORE ORDERED TO \_\_\_\_\_  
\_\_\_\_\_  
the said building on or before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Fire Chief

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 Sawyer, 1995, all persons are hereby warned that it is unlawful or tent, lease, let, occupy or permit the use or occupancy of this dwelling or building, for dwelling purposes or as a place of employment for human beings, or to remove or molest this notice.

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City Building Inspector  
Sawyer, North Dakota

First Reading: December 1<sup>st</sup>, 2025  
Secon Reading: January 5<sup>th</sup>, 2026  
Third Reading: February 2<sup>nd</sup>, 2026

Motion to Approve by Mike Beeter, Second by Golden Melland, Susan Schmidt and Tom Kempf Aye.

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Mayor

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Attest: City Auditor  
Tessa Miller