

CHAPTER IX  
HEALTH

Article

- 1 Board of Health
- 2 Contagious Diseases
- 3 Garbage, Refuse, Rubbish
- 4 Minimum Housing Code
- 5 Dangerous Buildings
- 6 Mosquito and Pest Control
- 7 City Fees
- 8 Recycling Program

CHAPTER IX

HEALTH

Article 1  
Board of Health

**9.0101 Members**

The Board of Health shall be the City Council and the City Health Officer or city physician, if any, who shall have and exercise all powers under the law.

05/05/80

**9.0102 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.

05/05/80

Article 2  
Contagious Diseases

**9.0201 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 ordinances of the city.

05/05/80

**9.0202 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 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 24 hours from the time the disease is recognized.

05/05/80

**9.0203            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 officers shall determine the time when the quarantine ends.

05/05/80

**9.0204            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.

05/05/80

**9.0205            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.

05/05/80

**9.0206            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.

05/05/80

**9.0207            Penalty**

The violation of any of the provisions of this article shall be punishable as provided in Chapter II of this code.

05/05/80

Article 3  
Garbage, Refuse, Rubbish

**9.0301            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 materials.
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 nonputrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, metal cans, yard clippings, wood, glass, bedding, crockery and similar materials.

05/05/80

#### **9.0302 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/or 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.

05/05/80; 11/05/07

#### **9.0303 Containers**

All refuse shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in containers, which container shall be kept clean and continuously closed by a tight fitting cover and shall be protected against the access of flies and rodents. Said containers shall be permitted to be placed on curb easement or residential streets up to 12 hours immediately preceding and subsequent to scheduled refuse collection. Where there is an alley, the container shall be placed to the rear of the residence/house/apartment building/mobile home. Other than for garbage pickup, the container shall always be placed at least 25 feet back of the front curb.

06/02/97; 11/05/07

#### **9.0304 City Collection**

All garbage and rubbish as defined herein shall be collected by the City 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 and 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.

05/05/80

#### **9.0305 Fees**

Monthly fees for the collection of garbage and rubbish by the City and the procedure for the disposal thereof, including establishing the number of pickups per unit per week shall be established by the Council by resolution.

11/17/80

**9.0306 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 bill 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 bill 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 bi-monthly 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 the general fund, 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.

03/07/88

**9.0307 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 wastes to such points as are designated by the City Health Officer.

05/05/80

**9.0308 Supervision**

The collection, removal and disposal of garbage and rubbish under the provisions of this article, shall be under the supervision, direction and control of the commissioner of streets and improvements with the assistance of the City Health Officer. The commissioner of streets and improvements shall 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.

05/05/80

**9.0309 Rules and Regulations**

The health officer of the city shall prescribe and publish such reasonable rules and regulations 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 regulations 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.

05/05/80

**9.0310 Commercial Haulers**

All rubbish, ashes and other wastes, including kitchen garbage not collected and removed by the city garbage haulers, until such time as the city shall provide for the collection and disposal thereof by contract or by municipal employees, may be collected, removed, transported and disposed of by commercial haulers as hereinafter provided.

05/05/80

**9.0311 Commercial Haulers - License**

No person shall engage in the business of removing, collecting, transporting or disposing of rubbish, ashes and other wastes in the city for compensation or hire without first securing a license therefor from the city.

05/05/80

**9.0312 Commercial Haulers - Application**

Application for the license required by this article shall be made to the City Auditor upon forms provided by him and such application shall contain, among other things, the following information: The name, place of residence of the applicant and a description of the vehicle in which such wastes are to be hauled and a general description of the particular areas or premises in the city where such applicant expects to obtain the wastes to be hauled.

05/05/80

**9.0313 Commercial Haulers - Fee**

Upon approval of the application and approval of the vehicle and the payment of an annual license fee of \$10.00 for each vehicle used by the applicant, the City Auditor shall issue a license which shall describe such vehicle and shall contain the name of the license. The provisions of Chapter 10-01 of this Code relating to business licenses shall apply where they are not in conflict with this section.

05/05/80

**9.0314 Commercial Haulers - Duration**

The license required by this article shall be valid until such time as the City shall provide for the collection of such wastes by contract or by municipal employees.

05/05/80

**9.0315 Commercial Haulers - Suspension - Revocation**

The license required by this article may be temporarily suspended by the City Health Officer for the violation of any of the provisions of this article or any regulations issued him hereunder. Such license may also be revoked by the City Health Officer for the same causes. No such revocation shall be effective until notice shall be given to the holder thereof by registered mail, stating the reasons for such revocation.

Such revocation shall become final, unless within five days from the date of mailing of such notice the holder of such permit shall, in writing, request a hearing thereon. The hearing shall be held within five days thereafter and the decision of the City Health Officer shall be final.

05/05/80

**9.0316 Disposal Grounds**

The City Health Officer is hereby authorized to designate the location or places to which all wastes referred to in this article shall be hauled, deposited or disposed of by commercial haulers.

05/05/80

**9.0317 Unlicensed Haulers**

It shall be unlawful for any person or any agent or employee thereof to collect or transport or carry on or convey through, along or upon any public street, alley or sidewalk within the city, any rubbish, ashes and other wastes, except such person as may be authorized, licensed or permitted to do so under the provisions of this article.

05/05/80

**9.0318 Regulations - Commercial Haulers**

The City Health Officer is hereby authorized from time to time to issue regulations governing the type of vehicle and equipment used, the hours of collection, sanitary provisions and such other regulations which may be deemed necessary to regulate, enforce and carry out the provisions of this article with regard to commercial haulers.

05/05/80

**9.0319 Accumulation of Junk**

No person, firm, corporation, limited liability company or limited liability partnership shall dump, place or allow to accumulate any earth, bricks, concrete, wood, iron, steel, rocks, stone, sod, sand, gravel, dirt, clay, refuse, garbage, rubbish or any materials in any street, alley, any public place, or any property owned by the City of Emerado, or upon any private property, whether owned by such person, firm, corporation, limited liability company or limited liability partnership or not, within the city, in such a manner that it becomes a health hazard, nuisance or unsightly except under written approval of the City Council.

01/07/02; 11/05/07

**09.0320 Accumulation of Junk - Penalty**

A violation or failure to comply with any of the provisions of this article shall be punishable by a penalty of not to exceed one thousand dollars (\$1,000.00). Each load or act of dumping shall be construed as a separate offense.

01/07/02

Article 4  
Minimum Housing Code

**9.0401 Definitions**

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

- a. **Basement** shall mean a story of a building located partly underground, but having less than two-thirds of its clear floor-to-ceiling height below outside grade.
- b. **Ceiling** shall mean the interior overhead surface of a room.
- c. **Cellar** shall mean a story of a building located partly or wholly underground and having more than two-thirds of its clear floor-to-ceiling height below outside grade.
- d. **Dwelling** shall mean any building, structure, or parts thereof used and occupied for human habitation, or intended to be so used, and includes appurtenances and utilities belonging thereto or usually enjoyed therewith.
- e. **Dwelling unit** shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.
- f. **Extermination** shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by depriving or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or any other recognized and legal pest elimination.
- g. **Family** shall mean one or more persons occupying a dwelling or dwelling unit and living as a single nonprofit unit.
- h. **Garbage** shall mean the animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.
- i. **Habitable** room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes.
- j. **Infestation** shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
- k. **Inspection Officer** shall mean a representative of the health authority of the city, police chief, fire chief, city engineer, or building inspector or their designated representative.



- l. **Meaning of certain words.** Whenever the words dwelling, dwelling unit, rooming house, rooming unit, or premises are used in this article they shall be construed as though they were followed by the words “or any part thereof.” Whenever the masculine pronoun is used it shall also mean the feminine pronoun.
- m. **Multiple dwelling** shall mean any structure or building containing more than one dwelling unit.
- n. **Occupant** shall mean any person, over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling or dwelling unit or rooming unit.
- o. **Operator** shall mean any person who has charge, care, or control of a building or parts thereof, in which dwelling units or rooming units are let.
- p. **Owner** shall mean any person who alone, jointly, or severally with others: (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of owner, as an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- q. **Person** shall mean and include any individual, firm, corporation, association or partnership.
- r. **Plumbing** shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- s. **Repair** shall mean to restore to good condition.
- t. **Rooming** house shall mean a dwelling in which more than two rooms are let for hire, or more than four persons are given lodging for compensation.
- u. **Rubbish** shall mean combustible and noncombustible materials, except garbage, and the terms shall include the residue from the burning of wood, coke, and other combustible material such as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery, and dust.
- v. **Substandard** shall mean any dwelling, dwelling unit, or premises violating any provisions of this article.

- w. **Supplied** shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- x. **Temporary housing** shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system and located on the same premises for more than thirty (30) consecutive days.

09/10/07

#### **9.0402 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises**

The Inspection Officer is hereby authorized and directed to make inspections to determine the conditions of all dwellings, dwelling units, rooming units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of such dwellings and of the general public.

For the purpose of making such inspections the Inspection Officer is hereby authorized to enter, examine, and survey at reasonable times all dwellings, dwelling units, rooming units, and premises.

The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof shall give the Inspection Officer access to such dwelling, dwelling unit, rooming unit and its premises, at reasonable times for the purpose of inspection.

Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, or its premises, at reasonable times for the purposes of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this or any lawful order issued pursuant to the provisions of this article.

09/10/07

#### **9.0403 Minimum Requirements For Dwelling Units**

No person shall occupy as an owner, occupant, or let to another for occupancy any dwelling unit for the purpose of living, sleeping, or eating therein, which does not comply with the following requirements:

- A. Lighting and Ventilation
  - 1. Each habitable room, including toilets and bathroom shall have not less than one window. The window area in each of the said rooms shall have not less than ten (10) percent of the floor area in glass and at least one-half of the minimum allowable window area shall be designed, built, and maintained so that it may be opened for the admission of outside air.
  - 2. Every public hall and stairway in every two-family dwelling, multi-family

dwelling, and rooming house shall be adequately ventilated.

3. The Inspection Officer, upon presentation of plans and specifications for a mechanical ventilation system showing that the same provides fresh air equivalent to or better than which would be provided by the window installation provided in subsection 1 above, may authorize the use of such mechanical ventilation system in lieu thereof. Any such mechanical ventilation system shall be maintained in good working and operating condition at all times.
4. The windows in all habitable rooms shall open directly upon a yard, alley, street, or court. In case of windows on courts, there shall not be less than three (3) feet of clear space between the outside of the windows and property line.
5. All windows, doors, and other apertures opening to the outside or to other unscreened areas shall be equipped with screens of Number 16 mesh or finer and the same shall be installed and maintained with no loose frames or edges and free from breaks and tears. During the fly season, such screens being installed from May 9 to October 1 of each year.

B. Electrical Facilities

1. Electrical lighting fixtures. Every public hall and stairway in every two-family dwelling, multi-family dwelling, and rooming house shall be adequately lighted at all times except that such lighting system be turned off by conveniently located switches during the daylight hours.
2. Every dwelling within three hundred (300) feet of a power line shall be supplied with electricity.
3. Every existing habitable room shall contain at least two separate floor-to-wall type electrical convenience outlets and one ceiling type electrical light fixture. Every kitchen shall contain two twenty (20) amp outlets.
4. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall type electrical light fixture.
5. Every outlet and fixture shall be properly installed and maintained to a good working condition.

C. Plumbing and Sewage

1. Each dwelling unit shall be provided with not less than one kitchen sink properly connected to an approved water supply and a sewage system, all in good working condition. Each dwelling unit shall have access to a full bathroom. A full bathroom shall consist of at least one stool, one lavatory, one bathtub or shower; not more than two dwelling units or eight (8) persons may share one full bathroom. Each bathroom shall be enclosed by walls, ceiling, and doors to afford privacy.
2. All joints, pipes, valves, and connections of all plumbing and sewers shall be installed in accordance with the State Plumbing Code and be maintained in good working condition.
3. The sink, tub bath or shower bath, and flush type water closet herein required shall be accessible without leaving the shelter of the roof of the building in which the dwelling unit is located and without passing through any other dwelling unit.
4. Floors and walls in any room where the required sink, bathtub or shower bath, and flush type water closet are installed shall be built and maintained so as to be reasonably impervious to water.
5. Every kitchen sink, lavatory, shower or bathtub, and basin shall be connected to both hot and cold running water and the hot water heating facilities shall be capable of providing hot water at least 120° F. at each required hot water faucet.

D. Heating

1. Every dwelling or dwelling unit shall have heating facilities which are properly installed, maintained in safe and good working conditions, and be capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68° F. at a distance of three (3) feet above the floor level, under ordinary minimum winter conditions.

E. General Conditions

1. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, rodent-proof, and shall be capable of affording privacy and shall be kept in good repair.
2. Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight, rodent-proof, and shall be kept in sound working condition and good repair.

3. Yards adjacent to any dwelling shall be graded to drain water off the lot or into a drainage system on the lot; no standing or stagnant pools of water shall be permitted on any yard or lot.
4. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in a satisfactory working condition.
5. No owner, operator, or occupant shall cause any service facility, equipment, or utility which is required under this article to be removed from, shut off, or disconnected in any occupied building or dwelling unit except for such temporary interruption as may be necessary while actual repairs or alterations are in the process or during temporary emergencies.
6. Porches, exterior stairways, steps, walkways, and sidewalks shall be in good repair and free from hazards.
7. Out buildings, retaining walls, fences, and accessory buildings shall comply with the provisions of this article regarding repair, maintenance and usage.
8. Every dwelling unit shall be provided with approved, safe and unobstructed means of egress and shall comply with the applicable provisions of the City Building Code and the Fire Prevention Code and the rules and regulations adopted pursuant thereto.
9. Dwelling units shall have access available to bedrooms or bathrooms through hallways or other means to assure the privacy of the occupants.

09/10/07

**9.0404 Dwelling Unit Unfit For Human Habitation**

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

1. Building supporting members which show thirty-three (33) percent or more of damage or deterioration.
2. Buildings that have interior or outside walls or coverings which show fifty (50) percent or more damage or deterioration.
3. Buildings which have floors or roofs with improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used or such framing members deflect over 1/360 of the span.

4. Buildings which have been damaged by fire, wind, or other causes that endanger the lives, safety, or welfare of the occupants or other people of the city.
5. Buildings which are dilapidated, decayed, unsanitary, or in disrepair which are likely to cause sickness or disease, or to cause injury to the health, safety, or welfare of the occupants or to other people of the city.
6. Buildings in which each living unit does not have safe and unobstructed means of egress leading to a safe and open space at ground level as required by the City Building Code.
7. Buildings which have defects therein increasing the hazards of fire, accidents, or other calamities such as lack of adequate ventilation, light, heating, or sanitary facilities as endangering the health, morals, safety, or general welfare of the occupants or other residents of the City.
8. Buildings which are in violation of any provisions of the building regulations, fire prevention, or ordinance of the City.
9. Buildings in which the interior walls, ceilings, and floors of all habitable rooms are not of durable material, in good repair, and well painted.
10. Buildings in which the exterior walls are not covered with an approved type of sheathing, stucco, brick, or other recognized type of material in good repair.
11. Buildings or premises that violate any ordinance of the city relative to sanitation and safety.
12. Dwelling units in which the bedrooms or bathrooms are not available through hallways or other means to assure the privacy of the occupants.

09/10/07

**9.0405 Rooming Houses**

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

Applicability of Previous Sections and Subsections. The provisions of this article shall be applicable to each rooming house and rooming unit. For the purpose of this section whenever in the above-mentioned section the term “dwelling” is used, it shall be construed to mean “rooming house” and whenever the term “dwelling unit” is used it shall be construed to mean “rooming unit.”

05/05/80

**9.0406          Basement - Cellars**

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

1.     The floors and walls are damp-proofed and impervious to leakage of underground or surface moisture and insulated against dampness.
2.     Total of the window area in each room is equivalent to ten (10) percent of the floor space of such room, or no less than that considered adequate and reasonable as compared to the floor space of such room.
3.     The total openable window area for ventilating each room is equivalent to at least five (5) percent of the floor space of such room, or where there is supplied some other device affording equivalent ventilation and approved by the Inspection Officer.
4.     Every window which is below the grade of the ground adjoining such window shall have light wells or areaways extending at least twenty (20) inches out from said window throughout the entire width of the window.
5.     Walls, ceiling, and floors of the basement rooms shall comply with Items A, B, C, D and E of Section 9.0403 of this article.

09/10/07

**9.0407          Responsibility of Owners and Occupants**

1.     Every owner of a dwelling or dwelling unit containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.
2.     Every occupant of a dwelling or building shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
3.     Every occupant of a dwelling or dwelling unit shall dispose of all rubbish in a clean and sanitary manner by placing it in the rubbish containers as required by city ordinance.
4.     No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, fit for human habitation, and not in violation with this article.
5.     Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might be found for rodents, in a sanitary manner by placing it in the garbage disposal facilities or garbage storage containers as required by city ordinance. It shall be the responsibility of the owners to supply such facilities or containers for all dwelling units in a dwelling containing more than two dwelling

units and for all dwelling units located on the premises where more than two dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupants to furnish such facilities or containers.

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

05/05/80

#### **9.0408 Duties of Occupants**

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

1. Keep the dwelling unit and grounds pertaining to it in a clean and sanitary condition, free from fire hazards, free of rodents, household pests and vermin harborage.
2. Keep all plumbing in reasonably good working order and free of obstruction.
3. Provide sound and tight garbage, rubbish, and ash containers when the same are not supplied by the owner, and keep all containers by whomever supplied in a clean and sanitary condition.
4. Comply with the requirements of this article when the duties mentioned therein falls on the occupant.
5. Comply with the occupancy for overcrowding requirements and limitations of this article.

05/05/80

#### **9.0409 Occupancy and Overcrowding**

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

1. Every dwelling unit shall contain at least 160 square feet of space for the first occupant and at least 100 square feet for each additional occupant.
2. No sleeping room shall have a floor area of less than 80 square feet.
3. The total of all habitable rooms in a dwelling unit shall be such as to provide at least 100 square feet of floor area per person of the family over twelve years of age and at least 50 square feet of floor area per person of the family under twelve years of age.



4. In computing the floor area under this Section only those portions of the floor having a ceiling height of at least 7 feet 6 inches in height shall be included.

05/05/80

**9.0410 Applicability of the City Building Code**

Whenever the provisions of this article require the construction, installation, alteration, repair of a dwelling or dwelling unit, or its facilities, utilities or equipment, the required work shall be done in full compliance with the applicable provisions of the City Building Code.

05/05/80

**9.0411 Substandard Buildings or Dwelling Units, Nuisance**

Any buildings or dwelling units which violate the terms of Sections 9.0403, 9.0404, 9.0405, 9.0406, 9.0407, 9.0408 and 9.0409 of this article are hereby declared a public nuisance and dangerous to public health shall be repaired, vacated, demolished, or said violations discontinued as hereinbefore and hereinafter provided.

05/05/80

**9.0412 Enforcement: Service of Notice and Order, and the Inspection Officer's Duties**

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

1. The owner must vacate, repair or demolish said building within the terms of the Notice and Order.
2. The owner or occupant must vacate said building or may have it repaired in accordance with the Notice and Order and remain in possession.
3. Provided, that any person notified under this article to repair, vacate, or demolish any building shall be given such reasonable time as may be necessary to do, or have done, the work or acts required by the Notice and Order provided herein and in case such building must be vacated such vacation notice shall be complied within thirty (30) days and such repair or demolition order shall be complied within ninety (90) days.
4. Set forth in the Notice and Order, provided in Subsection 1 herein, a description of the building or structure deemed substandard, a statement of particulars which makes the building or structure a "substandard building" and an order requiring the same to be put in such condition with the terms of the article and within such time as specified but not to exceed ninety (90) days.

5. Report to the Emerado City Council any noncompliance with the “Notice and Order”, provided for in Subsections 1, 2, 3 and 4 herein.
6. Appear at all hearings conducted by the Emerado City Council and testify as to the conditions of the “substandard building”.
7. Place a Notice and Order on all “substandard buildings” reading as follows: “This building has been found to be a ‘substandard building’ by the Inspection Officer. This Notice and Order is to remain on this building until it is repaired, vacated or demolished in accordance with the Notice and Order which has been given to the owner, occupant, lessee or mortgagee of this building and all other persons having an interest in said building as shown by the records of the County Recorder within and for Grand Forks County. It is unlawful to remove this Notice and Order until such Notice and Order is complied with.”

09/10/07

9.0413 **Duties of City Council**

The City Council shall:

1. Upon receipt of a report of the City Inspection Officer as provided for in Section 9.0412, Subsection 5, thereof, give written notice to the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building or dwelling as shown by the records of the County Recorder within and for Grand Forks County, to appear before it on the date specified in the Notice and Order to show cause why the building or dwelling unit reported to be a “substandard building or substandard dwelling unit” should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Inspection Officer’s Notice and Order, provided herein in Section 9.0412, Subsection 1.
2. Hold a hearing and hear such testimony as the Inspection Officer or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the records of the County Recorder within and for Grand Forks County shall offer relative to the “substandard building or dwelling unit.”
3. Make written findings of fact from the testimony offered pursuant to Subsection (b) herein as to whether or not the building in question is a “substandard building or dwelling unit” within the terms of Section 9.0403, 9.0404, 9.0405, 9.0406, 9.0407, 9.0408, 9.0409, and 9.0410 of this article.
4. Issue an order based upon the findings of fact pursuant to Section 9.0412, Subsections 1, 2 and 3 commanding the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building as shown by the records of the County Recorder within and for Grand Forks County to repair, vacate, or demolish any building found to be a “substandard building” within the terms of this article.

09/10/07

**9.0414 Failure to Comply With The Decision of the City Council**

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Board or fails to appeal to the District Court within thirty (30) days as provided herein, the City through its officers and employees shall cause such building or structure to be repaired, vacated, or demolished as ordered City Council shall cause the cost of such repair, vacation, or demolition to be charged against the land on which the said building exists by special assessment, or as a municipal lien, or shall cause the said cost of removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner.

09/10/07

**9.0415 Penalty for Disregarding the Notice and Order**

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

The occupant or lessee in possession who fails to comply with a Notice and Order to vacate and/or who fails to repair said building in accordance with any Notice and Order given as provided for in this article shall be subject to a penalty not exceeding Five Hundred (\$500.00) Dollars for each offense and every day subsequent to such notice in which the said occupant or lessee shall fail to comply with said notice and order as above stated shall be deemed a separate offense.

Any person removing the Notice and Order provided for in Section 9.0412, Subsection 7, thereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding Five Hundred (\$500.00) Dollars for each offense.

09/10/07

**9.0416 Duties of City Attorney**

The City Attorney shall:

1. Prosecute all persons failing to comply with the terms of the Notice and Order provided for herein in Section 9.0412, Subsection 7, and findings of fact order provided for in Section 9.0413, Subsection 4.
2. Appear at all hearings before the Board in regard to “substandard buildings.”
3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

05/05/80

**9.0417           Where Owner Absent From The City**

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the City, all Notice and Orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, and all other persons having an interest in said building as shown by the land records of the County Recorder within and for Grand Forks County to the last known address of each and a copy of such Notice and Order shall be posted in a conspicuous place on the “substandard building” to which it relates, such mailing and posting shall be deemed adequate service.

09/10/07

**9.0418           Emergency Action By The Inspection Officer**

Whenever the Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately, but upon petition to the City shall be afforded a hearing as soon as possible, in the manner provided in Section 9.0413. After such hearing, depending upon the findings as to whether the provisions of this article have been complied with, the City Council shall continue such order in effect, or modify it, or revoke it.

09/10/07

**9.0419           Appeal**

The City Council shall serve upon the owner, occupant, mortgagee, lessee, and all other persons having an interest in such building so ordered repaired, vacated, or demolished, a copy of its order, such order to be served upon such owner, occupant, mortgagee, or lessee within ten (10) days after the issuance of such order. Such owner, occupant, mortgagee, or lessee shall thereafter have thirty (30) days from the date of service of such order served upon him in which to appeal from such order to the District Court of Grand Forks County, North Dakota, or take such other legal steps to enjoin the enforcement of such order as he may deem proper.

Any person desiring to appeal from any order issued by the City Council under and by virtue of this Section shall file an undertaking in the sum of at least Five Hundred (\$500.00) Dollars to be approved by the City Auditor and conditioned that the appellant will prosecute the appeal without delay and will pay all costs that may be adjudged against him in District Court. Such undertaking shall be payable to the City.

09/10/07

**9.0420           Enforcement of Interpretation**

This article shall be enforced by the Inspection Officer in accordance with the provisions of this article.

09/10/07

**9.0421 Standards for Repair, Vacation or Demolition**

The following standards shall be followed in substance by the inspector and the Emerado City Council in ordering repair, vacation or demolition:

- a. If the “substandard building” can reasonably be repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
- b. If the “substandard building” is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.
- c. In any case where a “substandard building” is fifty (50%) percent or more damaged or decayed or deteriorated from its reasonable market value, it shall be demolished and in all cases where a building cannot be repaired so that it will not longer exist in violation to the terms of this article it shall be demolished. In all cases where a “substandard building” is a fire hazard existing or erected in violation of the terms of this article or any ordinance 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.

09/10/07

**9.0422 Unconstitutionality Clause**

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

05/05/80

Article 5  
Dangerous Buildings

**9.0501 \_\_\_\_\_ Dangerous Buildings Defined**

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building:

- 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- 3. Whenever the stress in any materials, member or portion thereof due to all dead and live loads, are more than one and one half times the working stress or stresses allowed

in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become dangerous to life, safety, morals or to the general health and welfare.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

09/10/07

**9.0502 Standards for Repair, Vacation or Demolition**

The following standards shall be followed in substance by the inspector and the Emerado City Council in ordering repair, vacation or demolition:

- a. If the “dangerous building” can reasonably be repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
- b. If the “dangerous building” is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.
- c. In any case where a “dangerous building” is fifty (50%) percent or more damaged or decayed or deteriorated from its reasonable market value, it shall be demolished and

in all cases where a building cannot be repaired so that it will not 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 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.

09/10/07

**9.0503 Dangerous Buildings, Nuisances**

All “dangerous buildings” within the terms of Section 9.0501 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

05/05/80

**9.0504 Duties of Building Inspector, Health Inspector, Chief of Police**

The Building Inspector, Health Inspector, Chief of Police of the City of Emerado, Fire Chief, or a designated representative shall:

- a. Inspect or cause to be inspected periodically, 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 9.0501 of this article.
- b. 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.
- c. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this City as probably existed in violation of the terms of this article.
- d. 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 County Recorder of the County of Grand Forks, of any building found by him to be a “dangerous building” within the standards set forth in Section 9.0501 of this article that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (2) 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 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- e. Set forth in the notice provided for in subsection (d) 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 30 days, as is reasonable.

- f. Report to the Emerado City Council any noncompliance with the “notice” provided for in subsections (d) and (e) hereof.
- g. Appear at all hearings conducted by the Emerado City Council and testify as to the condition of “dangerous buildings.”
- h. 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 County Recorder within and for the County of Grand Forks. It is unlawful to remove this notice until such notice is complied with.”

09/10/07

**9.0505 Duties of the Emerado City Council**

The Emerado City Council shall:

- a. Upon receipt of a report as provided for in Section 9.0504, Subsection (f) 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 County Recorder within and for the County of Grand Forks 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 notice provided for herein in Section 9.0504, Subsection (e).
- b. Hold a hearing and hear such testimony as the City Health, Chief of Police, Fire Chief or other designated City Representative or the owner, occupant, mortgagee, lessee, or any other person having an interest in said buildings as shown by the records of the County Recorder within and for the County of Grand Forks shall offer relative to the “dangerous building.”
- c. Make written findings of fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a “dangerous building” within the terms of Section 9.0501 hereof.
- d. Issue an order based upon findings of fact made pursuant to subsection (c) commanding the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the County Recorder within and for the County of Grand Forks, 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.”

09/10/07

**9.0506 Failure to Comply With Decision Of the Emerado City Council**

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Emerado City Council or fails to appeal to the District Court within thirty (30) days as provided herein, the City through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the Emerado City 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 municipal lien, or shall cause said cost of removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner.

05/05/80

**9.0507 Violations; Penalty for Disregarding Notices of 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 subject to a penalty not exceeding Five Hundred (\$500.00) Dollars for each offense and every day subsequent to such notice in which the said order 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 and/or who fails to repair said building in accordance with any notice given as provided for in this article shall be subject to a penalty not exceeding Five Hundred (\$500.00) Dollars 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 9.0504, Subsection (h) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding Five Hundred (\$500.00) Dollars for each offense.

09/10/07

**9.0508 Duties of the City Attorney**

The City Attorney shall:

- a. Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 9.0504, Subsections (d) and (e) and the order provided for in Section 9.0505, Subsection (d).
- b. Appear at all hearings before the Emerado City Council in regard to “dangerous buildings.”
- c. Take such other legal action as is necessary to carry out the terms and provisions of this article.

05/05/80

**9.0509 Where Owner Absent From the City**

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the City, all notices 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 County Recorder within and for the County of Grand Forks 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.

05/05/80

**9.0510 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 stated.

05/05/80

**9.0511 Appeal**

The Emerado City Council 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 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 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 Emerado City Council under and by virtue of this article shall file an undertaking in the sum of at least Five Hundred (\$500.00) Dollars 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.

APPENDIX 1

IN THE MATTER OF “DANGEROUS BUILDINGS” LOCATED AT

\_\_\_\_\_, EMERADO, NORTH DAKOTA, UNDER ARTICLE 5, CHAPTER

9

NOTICE OF HEARING

You are hereby notified that the \_\_\_\_\_ of Emerado, North Dakota, has filed with the Emerado City Council a report that you have not complied with a Notice and Order issued 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 Emerado City Council at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the hour of \_\_\_\_\_ .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 Notice.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF EMERADO, NORTH DAKOTA

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Auditor

APPENDIX 2  
IN THE MATTER OF “DANGEROUS BUILDING” LOCATED  
ON \_\_\_\_\_ TO THE CITY OF EMERADO, NORTH DAKOTA,  
WITH AN ADDRESS OF \_\_\_\_\_

NOTICE AND ORDER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the undersigned, acting pursuant to Article 5, Chapter 9 of the Code of the City of Emerado, North Dakota has made an inspection of the following described building in which you are, or appear to be, interested, to-wit: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

You are further notified that the undersigned deems the foregoing described building to be a dangerous building within the meaning of Section 9.0501 of said Ordinances of the City of Emerado, in the following particulars: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Building Inspector

### APPENDIX 3

The following language, or substantially similar language, shall be posted on a warning sign in conspicuous letters.

#### 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 Emerado, North Dakota, 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, for dwelling purposes or as a place of employment for human beings, or to remove or molest this notice.

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City of Emerado, North Dakota

#### Article 6 Mosquito and Pest Control

##### **9.06 Mosquito and Pest Control**

The city shall request bids for application of Dursban or other acceptable chemical to be applied on a regular basis throughout the summer season to effect control of mosquitos and pests that can carry diseases which pose a health hazard to the residents of the city of Emerado. The contract for the application of Dursban or similar chemical shall be defrayed by a per water user/household unit charge of \$1.50 per month to be collected with the water bill. The funds so collected shall be used for the application of acceptable chemicals to eradicate mosquitoes, insect pests, or other pests, whether plant, animal or insect which create a health hazard to the residents of the city of Emerado.

01/06/03

#### Article 7 City Fees

##### **9.07 City Fees: City Infrastructure and Maintenance Accounts, Public Service Accounts, and City Improvement Accounts**

The City shall establish separate funding accounts for the support of city infrastructure and

maintenance, city improvements and public service. The Council shall by resolution establish city fees to fund these accounts. The City Infrastructure and Maintenance Account shall be available for payment of city maintenance which will provide for safe streets and maintenance of city owned property. The City Improvement Account shall be used to pay for city beautification, tree planting and enhancement of the general appearance and aesthetics of the city. The Public Service Account is established to pay for mosquito control, street lighting, police and fire protection and to provide for the general health and well being of the citizens of the City. The Council shall annually establish by resolution, a city-wide assessment of such fees during the October meeting.

04/06/98

## Article 8 Recycling Program

### **9.0801        Definitions**

For the purposes of this section of this chapter, the following words and phrases shall have the general meanings ascribed to them:

- a.     Recyclable Materials shall mean aluminum, glass, cans, plastic, newspapers and corrugated paper as defined herein or as modified or amended by administrative regulations deemed necessary to fulfill agreements with haulers or landfill sites.
- b.     Aluminum: All cans and food containers made out of aluminum.
- c.     Glass: All products made from silica or sand, soda ash and limestone, the products being transparent or translucent and being used for packaging or bottling of various matter, and all other material commonly known as glass, excluding, however, blue and flat glass and glass commonly known as window glass.
- d.     Cans made of iron or steel and so-called tin cans used for packaging or storing of various food and non-food items, except containers which contain paint or petroleum based solvents.
- e.     Plastic: Plastic milk bottles and P.E.T. bottles and jugs, but not including any styrofoam and certain type plastics, and high density polyethylene bottles (HDPE).
- f.     Newspapers: All newspapers, advertisements, supplements, comics, and enclosures which are clean and uncontaminated and such regular newsprint which has not been exposed to substances or conditions rendering them unuseful for recycling.
- g.     Corrugated paper: Corrugated boxes, cardboard, cardboard cartons, paper board and similar corrugated and craft paper materials.
- h.     Construction materials: Stones, dirt, demolition material, broken concrete or brick,

all boards, lumber, shingles, insulation and construction supplies of any toxic nature.

- i. Yard Waste: Grass clippings, plant waste, flowers, roots, leaves, hedge clippings, garden waste and twigs and brush not longer than 4 feet in length and ½ inch in diameter.
- j. Garbage: Putrescible animal, fish, fowl or vegetable waste, and all other material not recyclable, construction debris or yard waste.
- k. Trash is ash residue, blue and flat glass, non-putrescible solid waste, contaminated paper and all other materials not so defined herein.

The City Council may from time to time by rule and administrative regulation further modify or amend any and all definitions set forth herein.

02/13/95

**9.0802 Program Established**

There is hereby established a program for mandatory separation of construction materials, yard waste, newspapers, cardboard, glass, aluminum, cans, plastics, garbage and trash within the City of Emerado.

02/13/95

**9.0803 Separation and Placement for Removal**

The occupant or owner of any building within the City of Emerado shall separate and place for disposal, removal or collection, all recyclables, construction materials and yard waste, with residents using the recycling receptacles provided to each household for recycling, and as more fully directed herein:

- a. All cans, glass and plastics shall be placed in the respective recycling receptacles and placed on the curbside at the designated time pursuant to schedules as adopted by the City Council and its contract with the recycler. All caps, covers and lids shall be removed from glass prior to disposal and placed with trash items.
- b. Recyclable newspapers and corrugated paper shall be placed next to the recycling receptacles in a manner to prevent the scattering of the paper or receptacles.
- c. Construction materials shall be segregated from recyclables and garbage, and placed on the berm on the designated collection date or delivered to a designated collection dumpster or site.
- d. Yard waste shall be placed in plastic bags for collection, removal and disposal, and shall be placed on the berm next to the garbage and trash for collection or taken to a central yard waste site as may be designated by the City Council.

- e. Recyclables shall not be placed in the same refuse container or otherwise mixed with any forms of yard waste, trash, garbage or construction materials. The failure to segregate recyclable material, construction materials and yard waste from garbage and trash shall be punishable by fine or civil penalties as set forth in Section 9.0809.

02/13/95

**9.0804 Collection**

The collection, removal and disposal of newspaper, glass, aluminum, cans, garbage, trash, yard waste and construction material shall be conducted by the City Council of the City of Emerado, through its authorized agents and haulers obtained by the City for collection purposes, at such times, methods and routes as deemed appropriate to promote the public safety.

02/13/95

**9.0805 Recycling Receptacles**

All residential receptacle bins required herein shall be approved and obtained at the sole expense of an occupant or owner of a premises, with the residential recycling bins being purchased through the City Hall of the City of Emerado.

02/13/95

**9.0806 Cost of Recycling Receptacles**

- a. The initial cost for residential receptacle bins shall be assessed to each homeowner in their regular monthly sanitation and garbage billing, and thereafter each resident shall be responsible for the replacement cost of any damaged or lost receptacles. Commencing \_\_\_\_\_, and each month thereafter, an additional monthly service charge will be assessed against each resident in their regular monthly sewer and garbage billing to cover the city's cost of recycling. The monthly service charge shall initially be \$2.00 per month and as thereafter modified by the City Council through administrative regulations.
- b. The owner/operator of any commercial or business enterprise shall, at their sole expense, be responsible for providing all receptacles required to process recyclable materials, in quantities, sizes and at such pick-up times appropriate to meet and maintain clean and uncluttered recycling areas.

02/13/95

**9.0807 Storage of Containers**

All recycling containers shall be stored on the premises in conformance with provisions of this article, and must be removed from the curbside by 6:00 p.m. of the appropriate designated collection day.

02/13/95

**9.0808 Theft of Recyclable Materials**

Once recyclable materials, namely glass, plastic, cans, aluminum, newspaper and cardboard have



been placed in or alongside the recycling container, and set at the curb or other designated collection location, recyclable materials become the property of the authorized City of Emerado hauler and it shall be unlawful for any other person, firm or corporation to remove the recycled materials. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense.

02/13/95

**9.0809           Violations**

Any person, firm or corporation who violates or neglects to comply with any provisions of this ordinance or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punished by a fine or civil penalty or levy not to exceed One Hundred Dollars (\$100.00) for each such violation.

02/13/95

**9.0810**

Any fine, penalty, charge or levy by the Council upon any owner of a dwelling pursuant to this chapter shall be fully due and owing to the City regardless of whether such owner or any occupant of such dwelling provides recyclable materials to an authorized hauler or the City for collection.

02/13/95

**9.0811**

If the service charge so established is not paid when due, such sum may be recovered by the City of Emerado, North Dakota, in an action at law against the owner or occupant, or both, of the property so served and may be assessed against the premises served, and collected and returned in the same manner as other county and municipal taxes as assessed, certified, collected and returned.

02/13/95

**9.0812**

The provisions hereof shall be administered under the supervision of the mayor of the City and the City Council, which is authorized to promulgate reasonable rules and regulations not contrary hereto in order to facilitate such administration and carry out the intent and purpose of this ordinance.

02/13/95

**9.0813**

Should any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate, the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph sentence, clause or phrase thereof directly involved in the controversy in which said judgment shall be rendered and the remainder of the ordinance shall not be affected

thereby. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance is hereby repealed to the extent of any inconsistency and conflict.

02/13/95