CHAPTER 9

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. Unless another is formally appointed, the City Health Officer shall be the Grand Forks City/County Health Officer.

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.

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 the ordinances of the city.

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.

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.

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.

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.

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.

9.0207 Penalty

The violation of any of the provisions of this article shall be punishable as provided in Chapter 2 of this code.

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.

9.0302 Accumulation of Refuse Prohibited

No person shall permit or allow 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 or occupied by him, or for which he may be an agent, within the city limits, any and all refuse, including but not limited to, old furniture, appliances, garbage, machinery, or refuse, and no person shall allow such yard, place or premises to continue to have such refuse remain on said property.

9.0303 Containers

All garbage and rubbish shall, by the person upon whose premises the same shall have been produced or accumulated, be placed in watertight galvanized metal containers, rubber containers, or indestructible plastic containers, of not less than ten nor more than 32 gallons net capacity, 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.

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.

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. All owners and occupants of premises shall be liable for payment of garbage and rubbish collection fees unless specifically excused from such payment by action of the City Council.

9.0305 Fees

For the collection of garbage and rubbish by the city and the disposal thereof, the City Council by resolution or ordinance shall fix and establish a schedule of monthly fees and charges.

9.0306 Fees - Payment - Collection

The monthly charge set forth in the preceding section shall be added to and collected as a part of the sewer bill and collected by the city. Garbage and rubbish bills shall be due and payable at the same time as the sewer bill, either monthly or quarterly as the case may be. If such charge is not paid when due, the sewer service to such premises shall be shut off in the same manner as is now provided for in the case of delinquency in payment of sewer bills and such service shall not be restored without the payment of the penalties now provided for.

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 fees for garbage and rubbish collection will not be charged or collected if the city is notified thirty (30) days in advance that the owner or occupant will not be living in the dwelling for a period of at least sixty (60) days.

If the service charge so established is not paid when due, such sum may be recovered by the City of Thompson 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.

Interest will accrue on the unpaid balance provided in NDCC §§ 13.01-14 and 47.14-05.

9.0307 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, can be made by the contractor or by the City as the City Council determines. 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 provisions of Section 9.0306.

9.0308 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.

9.0309 Burning

No garbage, refuse or rubbish shall be burned within the city; however, the same may be burned in disposal grounds maintained by the city under direct supervision of a City employee instructed by the City Council to do such burning as deemed necessary.

9.0310 Nuisance

Failure to comply with the provisions of Section 9.0302, 9.0303 and 9.0309 herein contained shall constitute a public nuisance and be punishable as such under the terms of Chapter 12 of these ordinances.

9.0311 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.

9.0312 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.

9.0313 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.

9.0314 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.

9.0315 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.

9.0316 Commercial Haulers - Fee

Upon approval of the application and approval of the vehicle and the payment of an annual license fee of $25.00 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 licensee. The provisions of Chapter 10-01 of this Code relating to business licenses shall apply where they are not in conflict with this section.

9.0317 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.

9.0318 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.

9.0319 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.

9.0320 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.

9.0321 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 he may deem necessary to regulate, enforce and carry out the provisions of this article with regard to commercial haulers.

Article 4
Minimum Housing Code

9.0401 Definitions

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. City Health Officer shall mean the legally designated health authority of the city or authorized representative.

e. 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.

f. 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.

g. 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 methods approved by the city health officer.

h. Family shall mean one or more persons occupying a dwelling or dwelling unit and living as a single nonprofit unit.

i. Garbage shall mean the animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food.

j. Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes.

k. Infestation shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.

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 or 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.

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

The city health 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 city health 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 city health 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.

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 city health 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 brakes 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 weathertight, 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 weathertight, 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 or 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.

9.0404 Dwelling Unit Unfit for Human Habitation

The City Health 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 ordinances 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.

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".

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 city health 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.

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 food 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 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.

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.

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 as 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.

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.

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.

9.0412 Enforcement; Service of Notice and Order, and the City Health Officer's Duties of:

Whenever the City Health 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 the 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 act required by the Notice and Order provided herein and in case such building must be vacated such vacation notice shall be complied with in thirty (30) days and such repair or demolition order shall be complied with in 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 Board of City 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 Governing Board of the City 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 City Health 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 Register of Deeds of Grand Forks County. It is unlawful to remove this Notice and Order until such Notice and Order is complied with."

9.0413 Duties of Board of Health

The Board of the city shall:

1. Upon receipt of a report of the City Health 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 Register of Deeds of 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 City Health Officer's Notice and Order, provided herein in Section 9.0412, Subsection 1.

2. Hold a hearing and hear such testimony as the City Health Officer 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 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 Sections 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 Register of Deeds of Grand Forks County to repair, vacate, or demolish any building found to be a "substandard building" within the terms of this article.

9.0414 Failure to Comply with the Decision of the Board

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 by the Board and 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.

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 guilty of a misdemeanor and upon conviction thereof shall be fined 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 who fails to repair said building in accordance with any Notice and Order given as provided for in this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined 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 9.0411, 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.

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 9.0412, 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.

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 Register of Deeds of 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.

9.0418 Emergency Action by the City Health Officer

Whenever the City Health 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 9.0412. After such hearing, depending upon the findings as to whether the provisions of this article have been complied with, the Board shall continue such order in effect, or modify it, or revoke it.

9.0419 Appeal

The Board 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 Board 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.

9.0420 Enforcement of Interpretation

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

9.0421 Penalties

Any person who violates any provisions of this Ordinance shall be fined not more than Five Hundred ($500.00) Dollars or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment, at the discretion of the court having jurisdiction. Each and every violation of the provisions of this article shall constitute a separate offense.

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.

Article 5
Dangerous Buildings

9.0501 Dangerous Buildings Defined

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings".

a. 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.

b. Those which exclusive of the foundation, show thirty-three (33) percent or more, damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

c. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

d. 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.

e. 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.

f. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

g. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

h. Those which because of their condition are unsafe, unsanitary, or dangerous to health, morals, safety or general welfare of the people of this city.

i. Those buildings existing in violation of any provision of the Building Code, of the fire prevention code, electrical or plumbing codes or of other ordinances of this city.

9.0502 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:

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 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.

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.

9.0504 Duties of Building Inspector

The Building Inspector shall:

a. 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 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 existing 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 Register of Deeds 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 Board of the City any noncompliance with the "notice" provided for in subsections (d) and (e) hereof.

g. Appear at all hearings conducted by the Board 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 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 Register of Deeds of the County of Grand Forks. It is unlawful to remove this notice until such notice is complied with."

9.0505 Duties of the Board

The Board shall:

a. Upon receipt of a report of the Building Inspector 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 Register of Deeds of 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 Building Inspector's notice provided for herein in Section 9.0504, Subsection (e).

b. 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 buildings as shown by the records of the Register of Deeds of 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 Register of Deeds of 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".

9.0506 Failure to Comply with Decision of the Board

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 by the Board 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.

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 guilty of a misdemeanor and upon conviction thereof shall be fined 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 who fails to repair said building in accordance with any notice given as provided for in this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred ($500.00) Dollars 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.

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.

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 Board in regard to "dangerous buildings".

c. Take such other legal action as is necessary to carry out the terms and provisions of this article.

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 Register of Deeds of 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.

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 defined.

9.0511 Appeal

The Governing Board 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 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 the service of such order upon him in which to appeal from such order to the District Court of Grand Forks 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 Board 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.

IN THE MATTER OF "DANGEROUS BUILDINGS" LOCATED AT _____, Thompson, North Dakota, UNDER ARTICLE 5.

NOTICE OF HEARING

You are hereby notified that the Building Inspector of Thompson, North Dakota, has filed with the Board a report that you have not complied with a Notice and Order issued by him that dwellings located at _____ were dangerous buildings and were to be demolished by you prior to _____, 19___.

You are further notified to appear before the Board of Health at _____ on the ____ day of _____, 19___, 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 Building Inspector's Notice.

Dated this _____ day of _____, 19___.

BOARD OF HEALTH OF THE CITY
OF THOMPSON, NORTH DAKOTA

By: _____
President (Mayor or Chairman)

ATTEST:

_____
Auditor

IN THE MATTER OF A "DANGEROUS BUILDING" LOCATED ON _____, TO THE CITY OF THOMPSON, NORTH DAKOTA WITH AN ADDRESS OF _____.

NOTICE AND ORDER

_____
_____
_____

You are hereby notified that the undersigned, Building Inspector of the City of Thompson, North Dakota, acting pursuant to Article 5 and Chapter 9 of the Code of the City of Thompson, has made an inspection of the following described building in which you are, or appear to be, interest, to-wit: _____
_____
_____.

You are further notified that the undersigned, Building Inspector, deems the foregoing described building to be dangerous within the meaning of Section 9.0501 of said Ordinances of the City of Thompson, 1989, in the following particulars:
_____
_____
_____
_____
_____.

YOU ARE THEREFORE ORDERED TO _____ the said building on or before the _____ day of _____, 19___.

_____
Building Inspector

Dated this _____ day of _____, 19___.

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 in which this notice is attached, does not comply with Ordinances _____ of the City of Thompson, all persons are hereby warned that it is unlawful to rent, lease, let, occupy or permit the use of 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.

_____
City Health Officer
Thompson, North Dakota

Article 6
Junk, Abandoned Vehicles, Building Materials, etc.

9.0601 Definitions

The following words or terms when used herein shall be deemed to have the meanings set forth below:

1. Junk shall include, without limitations, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants or wood, metal, or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

2. Junk automobiles shall include, without limitations, any motor vehicle which is not licensed for use upon the highways of the State of North Dakota for a period in excess of sixty (60) days and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days; provided that there is excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

3. Abandoned vehicle shall include, without limitations, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours or more without consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked.

4. Blighted structure shall include without limitations, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse or any other structure or part of a structure which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.

5. Building materials shall include, without limitations, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.

6. Person shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

7. Trash and rubbish shall include any and all forms of debris not herein otherwise classified.

9.0602 Storage of Junk, Junk Automobiles, etc., Contrary to Public Health and Safety

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the City of Thompson tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.

9.0603 Unlawful to Store or Accumulate Junk, Junk Automobiles, etc.

It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any private property in the City of Thompson, except within a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

9.0604 Unlawful to Dismantle Automobile Except on Business Premises

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

9.0605 Unlawful to Maintain Blighted Structure

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Thompson, and unless such construction is completed within a reasonable time.

9.0606 Unlawful to Store Building Materials Except on Business Premises in Sanitary Manner

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City of Thompson; provided, however, it shall be unlawful to allow any trash, construction waste or discarded materials to accumulate in such a manner so as to create an unsanitary condition, become a harborage for insects or rodents or become a nuisance to adjacent properties due to blowing or scattering debris.

9.0607 Junk Automobiles or Abandoned Vehicles - When Police Department May Remove

The police department may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of its intention to do so at least forty-eight (48) hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the police department shall not excuse or relieve any person of the obligation imposed by this article to keep their property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

9.0608 Same - Disposition When Determined To Be Of No Value

Any junk automobile, abandoned vehicle, or parts of either removed from unenclosed private property as provided by section 9.0607, or coming into the possession of the Thompson police department be abandonment on public property in the City of Thompson, which is determined by the chief of police to be of no value other than as scrap metal shall be disposed of by the City of Thompson, in such a manner as to eliminate the unsightly accumulation of such worthless hulks and the hazards to pubic health attendant thereto with the least practicable delay.

9.0609 Penalty

Any person, firm, or corporation violating any of the terms or provisions of this article shall, upon conviction, be punished by a fine of not to exceed five hundred dollars ($500.00) or by imprisonment. Each day any person, firm, association or corporation shall violate any of the provisions of this article shall constitute a separate offense.