

# PUBLIC HEALTH.

## CHAPTER 90.

[H. B. No. 126.]

### DEFINING DUTIES OF BOARDS OF HEALTH.

AN ACT to Define the Powers and Duties of County and City Boards of Health, and for the Prevention and Suppression of Contagious, Infectious and Epidemic Diseases.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. LOCAL BOARDS OF HEALTH.] City boards of health shall perform the duties and exercise the powers herein provided within the limits of the cities for which they are established, and county boards of health shall perform such duties and have such powers throughout their respective counties outside the limits of such cities, and each shall be known within its respective jurisdiction as the local board of health.

§ 2. BOARD TO MAKE SANITARY REGULATIONS.] The local board of health may examine into all nuisances, sources of filth and causes of sickness, and make such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants, and every person who shall violate any order or regulation made by any board of health, and duly published, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment.

§ 3. REGULATIONS PUBLISHED.] Notice shall be given by each local board of health of all general orders and regulations made by them by publishing the same in some newspaper, if there is one published within the jurisdiction of such board; if there is none, then by posting up such orders and regulations in five public places therein, and such publication of such orders and regulations shall be deemed a legal notice to all persons.

§ 4. NUISANCE—OWNER TO REMOVE.] Whenever any nuisance, source of filth or cause of sickness is found on private property any member of the local board of health may order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, and such order may be given to such owner or occupant personally or left at his usual place of abode.

§ 5. BOARD TO ACT IN DEFAULT OF OWNER.] Whenever such owner or occupant shall not comply with the order of such board

of health, said board may cause such nuisance, source of filth or cause of sickness to be removed and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as has caused or permitted the same.

§ 6. COMPLAINT TO JUSTICE—WHEN.] Whenever any local board of health shall deem it necessary for the preservation of the health of the inhabitants within its jurisdiction to enter any building or vessel within such jurisdiction for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and shall be refused such entry, any member of such board may make complaint under oath to any justice of the peace within the jurisdiction of such board, stating the facts in the case so far as he has knowledge thereof.

§ 7. ISSUE OF WARRANT.] Such justices shall thereupon issue a warrant directed to the sheriff or any constable of the county commanding him to take sufficient aid, and being accompanied by one or more of the members of such board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of may be, have the same destroyed, remove or prevent under the direction of such member or members of such board of health.

§ 8. ANY PHYSICIAN TO REPORT CASES OF CONTAGION.] Whenever it shall come to the knowledge of any physician that a contagious, infectious or epidemic disease exists within the jurisdiction of any local board of health, he shall immediately report to such board in writing the name and place of residence, if known, of every person afflicted with such disease, and if he be the attending physician of such person he shall report not less than twice in each week the condition of each person so afflicted and the state of such disease.

§ 9. PHYSICIAN'S DUTY, CASE OF DEATH.] It shall be the duty of each practicing physician of this State to report in writing to the local board of health the death of each of his patients, who shall have died within the jurisdiction of such board of any contagious, infectious or epidemic disease; such report shall be made within twenty-four hours after such death and shall state the specific name and type of such disease.

§ 10. HOUSEKEEPERS TO REPORT CONTAGIOUS DISEASES.] Every keeper of any private house, boarding house, lodging house, inn or hotel shall report in writing to the local board of health, within whose jurisdiction the same may occur, every case of contagious, infectious or epidemic disease which may occur in his or her house, inn or hotel; such report shall be made within twenty-four hours after the existence of such disease shall become known to such person, and shall state the name of such person or persons afflicted with such disease and the nature thereof.

§ 11. DUTY OF ALL PERSONS SO TO REPORT.] That it shall be the duty of every person knowing of any person sick of a contagious disease dangerous to public health, and the duty of every

physician hearing of such sick person whom he shall have reason to think requires the attention of the local board of health, to at once report the facts to the board in regard to the disease, condition or abode of such sick person.

§ 12. REMOVAL OF SICK PERSON.] No person shall, without a permit from the local or State Board of Health, carry or cause to be removed from such infected place to this State, or within the limits of this State from one building to another, or from or to any railway cars or vessels, any person sick of any contagious, infectious or epidemic disease or any body of any human being having died of such disease.

§ 13. VACCINATION, REQUIRED WHEN.] Every parent or guardian having the care, custody or control of any minor or other person shall to the extent of any means, power or authority he may possess that can properly be used or exerted for such purpose, cause such minor or other person to be so promptly, frequently and effectively vaccinated that such minor or other person shall not take or be liable to take small-pox.

§ 14. DUTY OF SCHOOL OFFICIALS.] No principal, superintendent or teacher of any school, and no parent, master or guardian of any minor child, having the power and authority and power to prevent it, shall permit any such child having scarlet fever, diphtheria, small-pox, whooping-cough, measles or any other dangerous, infectious or contagious disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public or private school until the local board of health shall have given it permission therefor, or in any measure to be unnecessarily exposed, or to needlessly expose any other person to the taking of any infectious or contagious disease.

§ 15. BURIAL—CASE OF CONTAGION—REGULATIONS.] No person shall allow to be retained unburied the dead body of any human being for a longer time than four days, or where death has been caused by an infectious or contagious disease for a longer time than twenty-four hours after the death of such person without a permit from the local board of health, which permit shall specify the length of time during which such body may be retained unburied, and in all cases in which death has been caused by an infectious or contagious disease the body shall, if directed by said board, be immediately disinfected in such manner as may be directed by said board, and when to be retained unburied for a longer time than twenty-four hours shall immediately be enclosed in a tightly sealed metallic coffin which shall not thereafter be opened, and the funeral of such person shall be strictly private, and in the removal of such body for burial or otherwise, only such hearses or other vehicles shall be employed as may be authorized by said board, and no undertaker or other person shall bury or prepare for burial the body of any human being without a certificate signed by the attending physician or by the coroner, which certificate shall state the name, age, sex

and place of abode and date of death of such deceased person, the name and duration of the disease of which such person died, and whether or not such disease is contagious, and such certificate shall, after the burial of such body, be filed with the local board of health, and whenever any such dead body shall be presented to any common carrier within the State for transportation by such carrier it shall be accompanied by a duplicate of such certificate signed by such attending physician or coroner, and no common carrier shall receive any such body for transportation unless such certificate shall state that the disease of which such person died is not contagious, which duplicate shall be securely attached to and remain upon the outside of the coffin or other receptacle containing such dead body.

§ 16. INFECTED PERSONS—REMOVAL TO SEPARATE PLACE.] It shall be the duty of each local board of health whenever it shall come to the knowledge of such board that a case of small-pox, scarlet fever, diphtheria or other infectious or contagious disease exists within its jurisdiction to immediately examine into the facts of the case, and if such disease appears to be of the character herein specified, such board shall adopt such quarantine and sanitary measures as may in its judgment tend to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to a separate house if in the opinion of the health officer or superintendent of public health such person can be so removed without danger to his or her health, and if such infected person cannot be removed without danger to his or her health, the local board shall make such quarantine regulations as it may deem proper with reference to the house within which such infected person is, and in such case may cause the persons in the neighborhood to be removed and take such other measures as they may deem necessary for the safety of the inhabitants, and such local board shall immediately notify the State Board of Health of the existence and nature of such disease and of the measures adopted by such local board with reference thereto.

§ 17. TEMPORARY HOSPITAL.] Each local board of health may provide within its jurisdiction such temporary hospital or place of reception for persons sick with infectious or contagious diseases as is judged best for their accommodation and the safety of the inhabitants, and all such hospitals and all private houses or other places in which there shall exist any infectious or contagious disease shall, during the existence of such disease, be under the control and subject to the regulation of the local board of health, and all inmates of any such house or other place during the existence of such disease therein must conform to the regulations and obey the instructions of such local board with reference thereto.

§ 18. INFECTED CLOTHING, ETC.—DESTRUCTION OF.] Any local board of health may cause to be destroyed any bed or bedding, clothing, carpets or other articles which have been exposed to infection from such infectious or contagious disease and may allow



reasonable compensation for the same, or may provide a proper place with all necessary apparatus and attendants for the disinfection of such articles and may cause all such articles to be disinfected thereby, and may provide a carriage or carriages for the conveyance of such articles, or of persons suffering from such contagious or infectious diseases.

§ 19. BOARD HAS FULL POWER—EXPENSES.] Local boards of health may employ all such persons as may be necessary to carry into effect the provisions of this act and the regulations duly established by such boards, and to employ such physicians as they may deem necessary and provide such necessities of life as in their judgment shall be needed for the maintenance, welfare and comfort of such persons sick of such contagious and infectious diseases; all expenses incurred by any local board of health in carrying into effect the provisions of this act and in providing for the care and maintenance of such sick persons, and all expenses incurred under any of the provisions of this act shall be audited and allowed by the board incurring the same, and in case of city boards of health shall be certified to the city auditor and paid out of the general fund in the city treasury, and in case of county boards of health shall be certified to the county auditor and paid out of the general fund of the county treasury, and all the expenses incurred by such board of health for the care, medical attendance or support of any such sick persons, shall be a charge upon such person and upon the person or persons legally chargeable with the support of such person, and may be collected by suit in the name of the county or city which shall have incurred such expense; *Provided*, That should a physician be called at the instance of such local board of health to attend a person infected with a contagious or infectious disease, it shall be at the expense of such city or county.

§ 20. NEGLECT OF DUTY HEREIN—PENALTY.] Any health officer, superintendent of public health or any member of any local board of health who shall neglect or refuse to perform any of the duties required to be performed by him under the provisions of this act, and any person who shall fail to comply with, or violate any of the provisions of this act or shall neglect or refuse to conform to any rules, regulations or measures adopted by the local board of health within whose jurisdiction he shall at the time be, and which shall have been published or shall have come to his knowledge, or who shall refuse or neglect to promptly obey any orders, directions or instructions given to him by such board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, and any justice of the peace shall have power to try and determine such offense.

§ 21. REPEAL.] All acts and parts of acts inconsistent with this act, and especially Sections 50 to 59 inclusive of sub-chapter 1 of Chapter 112 of the Laws of 1883, being Sections 755 to 764 inclusive of the Compiled Laws of 1887, are hereby repealed.

§ 22. EMERGENCY.] Whereas, an emergency exists in this, that there is no adequate law for the suppression and prevention of infectious, contagious and epidemic diseases, and there is great danger of the introduction into and spread of such diseases in this State prior to July 1, 1893, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1893.

## PUBLIC OFFICERS.

### CHAPTER 91.

[H. B. No. 13.]

#### QUALIFICATIONS OF DEPUTY OFFICIALS.

AN ACT Prescribing the Qualifications of Deputies, Clerks and Employes of the State, County and Municipal Governments of and Within the State of North Dakota.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. OFFICIALS TO BE RESIDENTS.] That hereafter no person shall be employed as deputy, clerk or subordinate to any State, county or municipal officer, or as a member, officer or subordinate upon any official board of the State, or of any county, or any municipality in the State, who shall not be a *bona fide* resident of the State and who shall not be a citizen of the United States, or who if an alien over twenty-one years of age, shall not be either naturalized or shall have first declared his intention to become naturalized.

§ 2. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent herewith.

Approved, February 27, 1893.