

Chapter 12

HEALTH AND SANITATION

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Article I. In General

Sec. 12-1. Board of health, city health officer's duties.

It shall be the duty of the city health officer, his agents, or assistants, to carry out and enforce the provisions of the State Board of Health and the Forrest and Lamar County Boards of Health.

Sec. 12-2. Food and food establishments; enforcement.

It shall be the duty of the city health officer, his agents, or assistants, to carry out and enforce the provisions of the State Board of Health and the Forrest and Lamar County Boards of Health, when dealing with food or any food establishment.

Cross reference--for provision relating to storage of foods and food products for certain type animals see sec. 12-23.

Secs. 12-3 --- 12-5. Reserved.

Article II. Mosquitoes

Sec. 12-6. Breeding places prohibited.

It shall be unlawful to have, keep, maintain, cause or permit within the city any collection of standing, or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding. (Ord. 461, sec. 2, 9-1-17)

Sec. 12-7. Methods for treating or preventing the breeding of mosquitoes.

The methods of treatment of any collections of water, that are specified in sec. 12-6, directed toward the prevention of breeding of mosquitoes shall be approved by the health officer and may be any one or more of the following:

- A. Using a larvacide approved and applied under the direction of the health officer.
- B. Filling or draining to the satisfaction of the health officer.
- C. Proper disposal of any containers likely to hold water as approved by health officer. (Ord. 461, sec. 3, 9-1-17)

Sec. 12-8. Larvae present deemed violation of article.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three days after notice by the health officer shall be deemed a violation of this article. (Ord. 461, sec. 4, 9-1-17)

Sec. 12-9. Eradication of mosquitoes authorized; costs.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measure to prevent the same, within three days after due notice has been given them, the health officer is hereby authorized to do so, and all necessary cost incurred by him for the purpose shall be a charge against the property owner or other person offending as the case may be. (Ord. 461, sec. 5, 9-1-17)

Sec. 12-10. Duty of health officer to enforce article; failure to obey orders of health officer*.

The health officer shall enforce the provisions of this article and for this purpose the health officer, person acting under his authority, may at all reasonable times enter in and upon any premises within his jurisdiction; and any person charged with any of the duties imposed by this article failing within the time designated by this article or within the time stated in the notice of the health officer, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of violation of this article, and for each day after the expiration of this time that such person fails to comply with this article shall be deemed guilty of a separate violation of this article. (Ord. 461, sec. 6, 9-1-17)

**Cross reference--see Sec. 12-1 - Health Officer in general*

Sec. 12-11. Persons charged with responsibility under provisions of article.

The person held under this article to be responsible for the correction of conditions on premises giving rise to or likely to give rise to breeding of mosquitoes, shall be the owner, and in his absence, the agent of owner of the premises; provided, any tenant, causing or permitting such conditions without the consent of the owner or agent, shall be held responsible. Where a trespasser or other person is known to cause such conditions without the consent of owner, agent or tenant, then such person will be held responsible. (Ord. 461, sec. 7, 9-1-17)

Sec. 12-12. Penalty for violation of article.

Any person who shall violate any provision of this article shall on each conviction be subject to a fine or not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, in the discretion of the court. For the purpose of this article, each day after the expiration of the proper notice that such person fails to comply with this article shall be deemed guilty of a separate violation of this article and subject to separate penalties for each conviction. (Ord. 461, sec. 8, 9-1-17)

Secs. 12-13 --- 12-15. Reserved.

Article III. Rats and Rat Proofing

Sec. 12-16. Definitions.

For the purpose of this article the following definitions shall apply:

Business buildings shall mean any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional services, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on premises used for business purposes.

Rat stoppage or rat proofing as used herein shall apply to a relatively inexpensive form of rat proofing to prevent the ingress of rats into business buildings from the exterior or from one business building to another. It consists essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground, by climbing or by burrowing with material impervious to rat gnawing.

Rat harborage shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of a structure of any kind.

Health officer as used herein means the city health officer, county health officer or any duly authorized person who may represent him.

Cross reference--See sec. 12-1 - Health Officer in general

Owner shall mean the actual owner of the business building, whether individual, partnership or corporation, or the agent of the building or other person having custody of the building or to whom rent is paid. In the case of business buildings leased with a clause in the lease specifying that the lessee is responsible for maintenance and repairs, the lessee will be considered in such case as the owner for the purpose of this article.

Occupant as used herein shall mean the individual, partnership or corporation that has the use of or occupies any business building or a part or a fraction thereof whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building. (Ord. 1043, sec. 1, 7-11-46.)

Sec. 12-17. Rat proofing required.

A. It is hereby provided and required that all business buildings of the city shall be rat proofed, free of rats, and maintained in a rat proof and rat free condition under the direction and supervision of the health officer. (Ord. 1043, sec. 2, 7-11-46.)

B. The occupants of all rat proofed business buildings are required to maintain the premises in a rat proof condition and to repair all breaks or leaks that may occur in the rat proofing unless such breaks or leaks develop as a result of a natural deterioration of the buildings. (Ord. 1043, secs. 2 & 5, 7-11-46.)

Sec. 12-18. Notice by health officer of the need for rat proofing; time allowed for executing.

Upon receipt of written notice from the health officer the owner of any building specified therein shall take immediate measures for rat proofing the building, and unless the work and

improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen days, or within the time to which a written extension may have been granted by the health officer, then the owner shall be deemed guilty of an offense under the provisions of this article. (Ord. 1043, sec. 3, 7-11-46.)

Sec. 12-19. Failure to maintain premises free from rats; city authorized to eradicate; costs.

Whenever the health officer notifies the occupant or occupants of a business building that there is evidence of rat infestation of the building, the occupant or occupants shall immediately institute appropriate measures for freeing the premises each occupier of rats and that unless suitable measures for freeing the building of rats are instituted within three days after receipt of notice, and unless continuously maintained in a satisfactory manner until the building is free of rats, the health officer is hereby authorized and directed to free the building of rats and to levy a monthly charge against the occupant or occupants to cover the costs for labor, materials and equipment necessary for eradication measures carried out each month. (Ord. 1043, sec. 4, 7-11-46.)

Sec. 12-20. Inspection of premises authorized.

The health officer is empowered to make unannounced inspections of the interior and exterior of business buildings, as in his opinion, may be necessary to determine full compliance with this article, and the health officer shall make periodic inspections at intervals of not more than forty-five days of all rat stopped buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their rat proofing, and when any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the health officer shall serve the owners or occupants with notices to abate the condition found. (Ord. 1043, sec. 6, 7-11-46.)

Sec. 12-21. Rat harborages authorized to be eliminated.

Whenever conditions inside or under business buildings provide such extensive harborage for rats that the health officer deems it necessary to eliminate such harborages he may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborages as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the costs thereof. (Ord. 1043 sec. 7, 7-11-46.)

Sec. 12-22. Removal of rat proofing devices unlawful.

It shall be unlawful under the provisions of this article for the occupant, owner, contractor, public utility company, plumber, or any other person to remove the rat proofing from any business building for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats. (Ord. 1043, sec. 8, 7-11-46.)

Sec. 12-23. Food and garbage storage*.

A. All food and feed kept within the city, for feeding chickens, cows, pigs, horses and other animals, shall be kept and stored in rat proof containers, compartments, or rooms unless kept in a rat proof building.

**Cross reference--see sec. 12-2 - Food and food establishments; in general*

B. Within the city, all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected by the garbage department in covered containers of a type prescribed by the health officer according to existing conditions, and it is hereby declared unlawful for any person to dump or place on any premises, land or waterways, any dead animal, or any waste vegetable or animal matter of any kind.

C. It shall be unlawful for any person to place, leave, dump or permit to be accumulated any garbage, rubbish or trash in any building or premises in the city so that same shall or may afford food or harborage for rats. (Ord. 1043, secs. 9---11, 7-11-46.)

Cross reference--see Chapter 11, Art. 2 - Garbage

Sec. 12-24. Certain materials to be stored off ground.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant and on all open lots and alleys in the city any lumber, bricks, stones or similar materials that may be permitted to remain thereon unless same shall be placed on open racks that are elevated not less than eighteen inches above the ground, and evenly piled or stacked so that there, materials will not afford harborage for rats. (Ord. 1043, sec. 12, 7-11-46.)

Sec. 12-25. Buildings erected or repaired to be rat proofed.

It shall be unlawful for any owner to erect a business building in the city or to remodel and/or renovate any existing business building in the city without adequate rat proofing such business buildings. (Ord. 1043, sec. 13, 7-11-46.)

Cross reference.---For general provisions relating to building requirements, see Chapter 22, Art. I.

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