

CHAPTER IV.

SANITARY REGULATIONS.

Recommended for Adoption by Local Boards of Health.

By section 21 of the Public Health Law, relating to powers and duties of local boards of health, it is provided: "Every such local board of health shall make and publish from time to time all such orders and regulations as they may deem necessary and proper for the preservation of life and health, and the execution and enforcement of the public health law in the municipality."

From the language of the statute it will be seen that the rules and regulations of the local boards of health are to be such as "they may deem necessary," etc. For the purpose of aiding local boards in the preparation of their rules, very carefully prepared forms are furnished by the State Department of Health, and their adoption by the local boards is advised wherever practicable. If conditions are found to exist requiring changes or additions, the local board has the power and the absolute right to make them. In prescribing penalties, attention is again called to the fact that they must be definite and certain, in order to be effective.

The recommendations of the State Department of Health are as follows:

§ 1. **Nuisances defined.**—Whatever is dangerous to human life or health; whatever building, or part or cellar thereof, is overcrowded or not provided with adequate means of ingress and egress, or is not sufficiently supported, ventilated, sewerred, drained, lighted or cleaned; and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal; and every person having aided in creating or contributing to the same, or who may support, continue or retain any of them, shall be deemed guilty of a violation of this ordinance, and shall also be liable for the expense of the abatement or remedy required.

§ 2. **Privies, cesspools, etc.**—No privy-pit, cesspool or reservoir into which any privy, water-closet, stable, sink or other receptacle of refuse or sewage is drained, shall be constructed or maintained in any situation or in any manner whereby, through leakage or overflow of its contents, it may cause pollution of the soil near or about habitations, or of any well, spring or other source of water used for drinking or culinary purposes; nor shall the overflow from any such reservoir or receptacle be permitted to discharge into any public place or in anywise whereby danger to health may be caused. And every such pit, reservoir or receptacle shall be cleaned and the contents thereof removed at such times and under such precautions as the board of health may prescribe. Violation of any of the provisions of this ordinance shall subject the offending party to a penalty of for each day's continuance of the nuisance after due notice to abate it from an authorized officer.

§ 3. **Sewers, drains, etc.**—All house sewers or drains for the conveyance of deleterious or offensive matters shall be water-tight, and the plans and methods of their construction shall be subject to the approval of the board of health. In streets or avenues where public sewers are or shall be constructed, the board of health may order house connections to be made therewith.

§ 4. **House refuse, garbage, etc.**—No house refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste substance of any kind, shall be thrown upon any street, road or public place, and no putrid or decaying animal or vegetable matter shall be kept in any house, cellar or adjoining outbuilding for more

than twenty-four hours. Violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 5. **Filled in or made land.**—No sunken places shall be filled, nor made land constructed, with any materials containing an admixture of putrescible animal or vegetable matter, under a penalty of for each cartload, or part thereof, of such materials deposited.

§ 6. **Noxious trades.**—No person or company shall erect or maintain any manufactory or place of business dangerous to life or detrimental to health, or where unwholesome, offensive or deleterious odors, gas, smoke, deposit or exhalations are generated, without the permit of the board of health, and all such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health; nor shall any offensive or deleterious waste-substance, gas-tar, sludge, refuse or injurious matter be allowed to accumulate upon the premises or be thrown or allowed to run into any public waters, stream, water-course, street or public place. And every person or company conducting such manufacture or business shall use the best approved and all reasonable means to prevent the escape of smoke, gases and odors, and to protect the health and safety of all operatives employed therein. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of for each offense.

§ 7. **Unwholesome food.**—No meat, fish, bird, fruit, or vegetables, milk, or anything for human food or drink, not being then fresh or properly preserved, sound, wholesome and safe for such use; nor any flesh of any animal which died by disease, or which was at the time of its death in a sickly or unwholesome condition; nor the carcass or meat of any calf which was at the date of its death less than four weeks old, or of any lamb which was at the date of its death less than eight weeks old, or of any pig which was at the date of its death less than five weeks old shall be brought within the limits of this municipality, nor offered or held for sale as food therein. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of and by the seizure and destruction of such unsound, unwholesome, immature food substances.

§ 8. **Slaughter-houses, markets, etc.**—No person or persons, without the consent of the board of health, shall build or use any slaughter-house within the limits of this municipality and the keep-

ing and slaughtering of all cattle, sheep and swine, and the preparation and keeping of all meat, fish, birds, or other animal food, shall be in the manner best adapted to secure and continue their wholesomeness as food; and every butcher or other person owning, leasing or occupying any place, room or building wherein any cattle, sheep or swine have been or are killed or dressed, and every person being the owner, lessee or occupant of any room or stable wherein any animals are kept, or of any market, public or private, shall cause such place, room, building, stable or market, and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome and offensive matter to be removed therefrom at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to, and shall also at all times keep all wood-work, save floors and counters, in any building, place or premises aforesaid thoroughly painted or whitewashed; and the floors of such building, place or premises shall be so constructed as to prevent blood or foul liquids or washings from settling in the earth beneath. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of for each day's continuance or repetition of the offense.

§ 9. **Notification of infectious disease.**—Every householder or head of family in a house wherein any case of infectious disease may occur shall report the same to the board of health or to the health officer within twelve hours from the time of his or her first knowledge of the nature of such disease; and, until instructions are received from the said board or the health officer, shall not permit any clothing or other article which may have been exposed to infection to be removed from the house; nor shall any occupant change his residence elsewhere without the consent of the said board or health officer.

Every physician who may be called to attend a case of infectious disease shall, as soon as he discovers the nature thereof, make a written report, specifying the name and residence of the patient, the nature of the disease, and any other facts relating thereto which he may deem important to the public health, and affix the date and sign his name thereto, and he shall transmit the same to the board of health within twelve hours as above provided. The diseases to be thus promptly reported are: Asiatic cholera, yellow fever, typhus and typhoid fevers, small-pox, scarlet fever, measles, diphtheria and membranous croup. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 10. **Importation of infected persons or things.**—No person or article liable to propagate a dangerous disease shall be brought within the limits of this municipality unless by the special permit and direction of the board of health; and any one having knowledge that such person or article has been brought within such limits shall immediately notify the said board thereof. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 11. **Exposure of infected persons or things.**—No person shall, within the limits of this municipality, unless by permit of the board of health, carry or remove from one building to another any patient affected with any contagious or infectious disease. Nor shall any person, by any exposure of any individual so affected, or of the body of such individual, or of any article capable of conveying contagion or infection, or by any negligent act connected with the care or custody thereof, or by a needless exposure of himself or herself, cause or contribute to the spread of disease from any such individual or dead body. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 12. **Funerals after infectious diseases.**—There shall not be a public or church funeral of any person who has died of Asiatic cholera, small-pox, typhus fever, diphtheria, membranous croup, scarlet fever or measles, without the permit of the board of health therefor; and the family of the deceased shall in all such cases limit the attendance to as few as possible, and take all precautions possible to prevent the exposure of other persons to contagion or infection. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 13. **Infectious diseases of animals.**—No animal affected with an infectious or contagious disease shall be brought or kept within the limits of this municipality, except by the permission of the board of health; and the bodies of animals dead of such disease or killed on account thereof, shall not be buried within five hundred feet of any residence, nor disposed of otherwise than as the said board or its health officer shall direct. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 14. **Reports of marriages and births.**—It shall be the duty of the groom in every marriage, or the clergyman or magistrate performing the ceremony, and of the parents or custodian of every child born, and the physician or midwife who attended at the birth of such child, to make sure that the prescribed report of such mar-

riage or birth is presented to the board of health or its registering officer within thirty days, under a penalty of for failure to do so; and for each ten days of continued neglect to present such report, after the expiration of the first thirty days, an additional penalty of shall be incurred.

§ 15. It shall be the duty of the physician or midwife in attendance at every birth to write out and sign, upon the form prescribed by the state department of health, the certificate of such birth, and make sure that said certificate is returned to the local board of health, or person designated by it to receive it, within thirty days of such birth. Any violation of the provisions of this ordinance shall subject the offending party to a penalty of

§ 16. **Certificates of death and burial permits.**— Every undertaker or other person who may have charge of the funeral of any dead person, shall procure a properly filled out certificate of the death and its probable cause, in accordance with the form prescribed by the state department of health, and shall present the same to the designated officer or member of the board of health, and obtain a burial or transit permit thereupon, at least twenty-four hours before the time appointed for such funeral; and he shall not remove any dead body until such burial or transit permit shall have been procured. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 17. It shall be the duty of the physician last in attendance upon any person who may die within the limits of the jurisdiction of this board of health, to write out and sign without delay, upon the form prescribed by the state department of health, the professional certificate of the death and send it to or leave it with the family of the deceased, or hand or send it to the undertaker in charge of the remains. In case an inquest has been required by law, the coroner shall fill out the said certificate, and if no inquest has been required by law and no physician has been in attendance, the certificate shall be filled out, setting forth the probable or believed cause of death, by some reputable person known to the officer issuing the burial or transit burial permit, and the said person shall also make affidavit to the facts set forth in the certificate, which affidavit must be attached to said certificate. Any violation of the provisions of this ordinance shall subject the offending party to a penalty of

§ 18. **Sextons, cemetery keepers, etc.**— Every person who acts as a sexton, or undertaker, or cemetery keeper, within the limits of this municipality, or has the charge or care of any tomb, vault, burying ground or other place for the reception of the dead, or

where the bodies of any human beings are deposited, shall so conduct his business and so care for any such place above named, as to avoid detriment or danger to public health; and every person undertaking preparations for the burial of a body dead from contagious or infectious disease as hereinbefore enumerated shall adopt such precautions as the board of health may prescribe to prevent the spread of such disease. Any violation of any of the provisions of this ordinance shall subject the offending party to a penalty of

§ 19. **Duties and powers of health officer.**— The health officer is directed and empowered to execute and enforce all sanitary regulations of general obligation now or hereafter to be published by this board; also to enter upon or within any premises where conditions dangerous to the public health are known or believed to exist, and to examine into the nature of complaints made by any of the inhabitants concerning sources of danger or injury to health; and he shall preserve accurate records of his official actions and report the same to the board of health at its next meeting. And whenever in his judgment danger to public health shall arise requiring special regulation not of general application, he shall forthwith notify the president of the board of health, who shall thereupon convene the board to take such action as may be necessary and proper.

§ 20. **Penalties.**— Every person who willfully violates or refuses to comply with, or who resists any ordinance, order, regulation or resolution of the board of health of this municipality will be liable to the arrest, action, penalty, fine and punishment provided and declared in the Public Health Law, chapter 25 of the general laws, 1893, of which notice must be taken.

As a further aid to local boards of health the state department of health has issued carefully prepared circulars of information and instruction, with reference to the prevention of certain contagious and infectious diseases, viz.: Diphtheria, scarlet fever, and smallpox. Other circulars relating to pulmonary tuberculosis and information for consumptives and those living with them may be obtained from the state department of health. The state department of health will also furnish circular directions for taking and forwarding samples of water and germs of disease for examination.