

# **TITLE SIX HEALTH**

**Chapter 6-1  
Chapter 6-2**

**Nuisance Dangerous to Health  
Food**

## **CHAPTER 6-1 NUISANCES DANGEROUS TO HEALTH**

### **6-1-1**

#### **PROHIBITED ACTS**

The commission of each and every one of the acts prohibited in this title, is hereby declared to be a public nuisance:

- A. Privies and Cesspools: No person shall erect or maintain any privy or cesspool within twenty (20) feet of any street or dwelling within the corporate limits of the City of Hosmer nor maintain within said City limits, any privy or cesspool that emits any foul or offensive odor.
- B. Manure: No person shall between the first day of April and the first day of November of any year, deposit or permit to be deposited or thrown in or upon any alley or lot within said City, any manure which shall be permitted to remain so deposited for a period exceeding twenty (20) days, at any one time and each and every such deposit shall be removed entirely once every twenty (20) days during said time.
- C. Hogs and Other Livestock: No person owning, keeping or having in possession or control, any hogs, sheep, cows, poultry, horses or other animals at any place within the corporate limits of said City limits shall permit or suffer the premises around or the place in which such animal or animals are kept to be or remain offensive nor shall any person keep any such animal or animals within fifty (50) feet of any dwelling house, and no person shall keep any hogs within two hundred (200) feet of any dwelling house except that of the owner of any such hogs within the limits of the City of Hosmer.
- D. Rat Control: No person shall permit his premises or property to get into a condition whereby it becomes a natural harbor or inducement for rats or other rodents. When such condition is found to exist, such person shall be notified and given a reasonable time to abate such condition and in the event he shall refuse or fail to do so, that the same may be abated by the City at the expense of such person.
- E. Offensive Substances in Public Places: No person shall throw, drop or deposit or leave any dead carcass or portion thereof of any chicken, animal or other offensive or unwholesome substance upon any public street, alley or other public ground of the City of Hosmer.

- F. Removal of Dead Chickens, Animals Etc.: No occupant of any building or lot in said City of Hosmer shall permit any dead chickens, animals or other offensive or unwholesome substances whatsoever, to remain in such building or upon such lot for a period exceeding twenty-four (24) hours nor shall any person permit any such dead chickens, animals or other unwholesome substances to remain in or upon any lot or tenement, or between the same and the center of the street or alley adjoining.
- G. Swill and House Offal: All keepers of hotels, restaurants and others accumulating garbage are hereby required to keep and maintain a proper covered receptacle for such garbage and to cause the contents thereof to be regularly removed at least twice each week between the first day of April and the first day of November of each year.
- H. No owner of any premises within the corporate limits of the City shall knowingly permit any of his premises therein to go unkept to the extent that unhealthy growths of weeds or other herbage shall develop there, or that stagnant water should develop into a breeding habitat for mosquitoes.
- I. Should an owner of premises within the City permit such unhealthy and unsightly nuisances to develop thereon, either the Board of Health, City Council or the Mayor may, after giving the owner of such premises due notice of his obligation to keep such premises in a clean and healthy condition and allowing him a reasonable time to remedy the condition, cause City employees to enter upon such premises and, at the expense of the owner, correct the same.
- J. No person living within the corporate limits of the City shall permit any outdoor toilet facilities or outhouses of that nature to remain on his premises.
- K. It shall be unlawful for any person to permit any offal, garbage or other such offensive matter to be deposited or to accumulate to unhealthy proportions upon any of his premises within the corporate limit of the City.
- L. The occupants of every dwelling house or apartment shall provide a suitable and sanitary receptacle in which such occupants shall cause to be deposited all garbage accumulating upon the premises. The immediate vicinity of such garbage cans shall be kept free of garbage and other matter which may become putrid and attract flies.
- M. No person shall throw or deposit any ashes, offal, dirt, garbage, junk or other such offensive matter into the streets, alleys, avenues or public grounds within the City.
- N. No person shall throw or deposit any feathers, offal, dirt, garbage or other substance which might tend to clog or obstruct the sewage, into any sewage, pipe, drain or manhole in the City.

***Authority:***

*SDCL § 9-29-13*

***Opinions of the Attorney General:***

*Sewers, cesspools or privies as nuisances,  
Report 1947-48, p. 88.*

## **6-1-2**

### **POLICE INSPECTIONS: NOTICE TO ABATE NUISANCES**

It is hereby made the duty of the Chief of Police of the City of Hosmer, either on personal knowledge or upon receipt of notice of the existence of any nuisance within the City mentioned in the preceding title, to forthwith give notice in writing to the person or persons keeping, maintaining or permitting such nuisances or to the person or persons owning, occupying or having control or possession of the premises where such nuisance is kept, maintained or permitted, to at once abate the same, and if such nuisance is not abated within twenty-four (24) hours after the service of such notice, it shall be the duty of said officer to forthwith abate and remove the same at the expense of the City and for the expenses so incurred, the City may recover either by special tax assessment against any property owned by any such person, the same to be collected at the time and in the manner as provided for collection of other taxes or such expenses may be recovered by a civil action for that purpose.

*Authority:*

*SDCL § 9-29-13*

## **6-1-3**

### **ANIMALS MAY BE IMPOUNDED**

Whenever the Chief of Police of said City shall find it necessary to remove from any place any hogs, cattle, mules, horses or other animals in the performance of his duties under this title, he may impound the same as in the case of impounded animals and the owner or person in charge shall not be entitled to the possession thereof until he shall pay to the said Chief of Police as costs, expenses, and charges for taking and caring for said animals, together with the fees allowed in case of impounded animals.

*Authority:*

*SDCL § 9-29-12*

## **6-1-4**

### **ABATEMENT WITHOUT NOTICE IN CERTAIN CASES**

Whenever any of the premises, lots, lands, buildings or places mentioned or referred to in this title shall be unoccupied and the owner thereof is a non-resident of the City of Hosmer or can not, after due diligence be found the said Chief of Police may proceed as in the preceding section provided without giving the notice required under this chapter and recovery of expenses and costs therefor may be had as in other cases of nuisances.

*Authority:*

*SDCL § 9-29-13*

*Opinions of the Attorney General:*

*County property as nuisance,*

*Report 1967-68, p. 220.*

*Land held by county under tax deed,*

*nuisance abatement, Report 1967-68, p. 260.*

## **CHAPTER 6-2**

### **FOOD**

#### **6-2-1 INSPECTION OF FOOD**

The City Board of Health, either by its Superintendent or other duly authorized representative, shall have the right to inspect all articles of food offered or intended for sale by stores, bakeries, meat markets, dealers in milk and cream, vegetables and other food or foods relative to the condition of such foods and the place or places where the same are kept.

*Authority:*  
*SDCL § 9-32-3*

*Collateral Reference:*  
*127 ALR 322.*

#### **6-2-2 PERSONS HANDLING FOOD**

No person who is effected with any communicable disease in transmittable stage shall be employed as a handler of food in any restaurant, hotel, lunch counter, ice cream parlor, tea room, soda fountain, or other place where food or drink is served or in any dairy, milk or cream station in the City of Hosmer.

*Authority:*  
*SDCL § 9-32-4*

#### **6-2-3 CLEANING OF EATING AND DRINKING UTENSILS**

It shall be the duty of the owner, proprietor or person in charge of any restaurant, hotel, tea room, lunch counter, ice cream parlor, soda fountain or any other place where food or drink is sold or served, to thoroughly cleanse all dishes, cups, drinking glasses and eating utensils immediately after being used by washing them in a strong solution of washing soda or soap in hot water and rinsing in clear hot water or by thorough sterilization by some other equally effective method approved by the Board of Health.

Nothing in this section shall prohibit the use of paper cups, dishes, or other single service containers provided that they be used once only and immediately destroyed.

*Authority:*  
*SDCL Chapter 9-32 generally*

#### **6-2-4 PROTECTION OF FOOD AGAINST CONTAMINATION**

Every person, firm or corporation engaged in the sale of any of the food stuffs enumerated in this title shall cause the same to be properly protected by screens, refrigeration or otherwise against contamination by flies, streets dust or any other agency.

*Authority:*  
*SDCL § 9-32-4*

## **6-2-5**

### **DISPOSAL OF FOOD UNFIT FOR HUMAN USE**

Whenever any articles intended as food or drink for human use is found being offered or exposed for sale or in possession of any dealer with intent to sell, which is unfit for human use the Department of Health and its Superintendent or other authorized agent, shall order its removal and disposal. In case the owner or person in charge shall fail to immediately observe said order, the health department shall proceed to enforce it at the expense of the owner or person in charge.

*Authority:*

*SDCL § 9-32-4*