

ORDINANCE NO. 8881.

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES: TO ESTABLISH THE CITY BOARD OF HEALTH AND DEFINE ITS DUTIES: TO CREATE THE OFFICE OF CITY PHYSICIAN, AND TO DEFINE HIS DUTIES, AND FIX THE SALARY THEREOF: TO DEFINE THE DUTIES OF THE HEALTH OFFICER: AND TO REPEAL ORDINANCE NUMBERED 3004, ENTITLED, "AN ORDINANCE TO PROTECT PUBLIC HEALTH AND PREVENT SPREAD OF DANGEROUS AND CONTAGIOUS DISEASES," APPROVED FEBRUARY 23d, 1881.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1;- There is hereby established a City Board of Health consisting of the Mayor, Chief of Police, the Chairman of the Standing Committee on Health and Police and the City Physician.

SECTION 2;- There is hereby created the office of City Physician. The qualifications for the City Physician shall be: He shall possess the qualifications of a voter of the City; shall be a graduate in Medicine and Surgery of ten year's standing and practice; and he shall be a resident of the City of Portland for a period of seven years next preceding his appointment.

SECTION 3;- The duties of the City Physician shall be; he shall be the executive officer of the City Board

of Health, but subject to its directions; he shall visit and examine persons sick with any contagious or infectious disease, certify to the cause of death of any person; advise the City Board of Health in all matters relating to the health of the City; advise the City Board of Health as to the necessary steps to be taken for the prevention of disease; attend all persons requiring medical or surgical assistance, who may for the time being be the charge of the City: examine all cases of smallpox or Asiatic cholera brought to his notice, and report the same to the City Board of Health; he shall from time to time make reports to the City Board of Health of contagious diseases in various places that are liable to be brought to the City of Portland that may come to his notice; and advise as to the measures to be taken to prevent its entry into said City; and perform such other duties as the City Board of Health may direct; issue permits for the removal of persons sick with a contagious disease and issue burial permits.

SECTION 4;- The City Physician shall be appointed by the Mayor, by and with the approval of the Common Council after the first day of July 1896; and his term of office shall be two years, or during the pleasure of the Mayor and until his successor is appointed and qualified .

SECTION 5;- Doctor C.H. Wheeler is hereby appointed

to the office of City Physician to hold the office until
July first 1896, and until his successor is appointed and
qualified. nearly as can be ascertained, and make a report

SECTION 6;- The salary of the City Physician shall be
One Hundred and Fifty Dollars (\$150.00) per month, payable
quarterly, as other salaries are paid.

SECTION 7;- Death, removal from the City, absence from
the City for more than thirty days without leave of the City
Board of Health, failing to attend to the duties of said
office, and resignation, shall cause a vacancy in said office
and said vacancy shall be filled by appointment by the Mayor
for the unexpired term as provided in Section 4 hereof.

SECTION 8;- The clerk of the Chief of Police shall be
ex-officio Health Officer and shall perform the following
duties;- He shall be Clerk of the City Board of Health and
keep its minutes and records under its direction; he shall
on the receipt of a duly qualified Physician's certificate,
filled out in the ^{prescribed} form and furnished by the City Board of
Health, and not otherwise, issue a permit for the removal
from the City, burial, or placing in a vault, of any deceased
person; he shall keep, under the direction of the City
Physician and City Board of Health, a book in which shall be
entered the name, place of residence of every person who is
afflicted with any disease mentioned in this Ordinance,

and also the name, age, residence, sex, nativity, color and other details of every person dying within the City, and the cause of death as nearly as can be ascertained, and make a report of the same to the City Board of Health; and perform such other duties as the City Board of Health may direct; he shall, under the direction of the City Board of Health, keep a register of births reported to the City Board of Health with the name (if one is given) sex, and color, and the name occupation and nativity of the parents, date and place of birth, and perform such other duties as may be by this Ordinance directed.

SECTION 9;- In case of the death of any person within the City, it shall be the duty of the attending Physician within twelve hours thereafter, or in his absence, the City Physician, to examine immediately, on receiving notice of such death, and give to the Health Officer a written certificate stating the date and cause of death, and such other information about such deceased person as the City Board of Health may deem requisite and necessary.

SECTION 10;- No undertaker or other person or persons shall remove or cause to be removed, from the City any corpse or the body of any deceased person, or bury the same or place in any vault without having first obtained a permit from the City Physician or Health Officer.

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SECTION 6;- The salary of the City Physician shall be One Hundred and Fifty Dollars (\$150.00) per month, payable quarterly, as other salaries are paid.

SECTION 7;- Death, removal from the City, absence from the City for more than thirty days without leave of the City Board of Health, failing to attend to the duties of said office, and resignation, shall cause a vacancy in said office and said vacancy shall be filled by appointment by the Mayor for the unexpired term as provided in Section 4 hereof.

SECTION 8;- The clerk of the Chief of Police shall be ex-officio Health Officer and shall perform the following duties;- He shall be Clerk of the City Board of Health and keep its minutes and records under its direction; he shall on the receipt of a duly qualified Physician's certificate, filled out in the ^{prescribed} form, and furnished by the City Board of Health, and not otherwise, issue a permit for the removal from the City, burial, or placing in a vault, of any deceased person; he shall keep, under the direction of the City Physician and City Board of Health, a book in which shall be entered the name, place of residence of every person who is afflicted with any disease mentioned in this Ordinance,

SECTION 11;- Every person practicing mid-wifery in this City, under whose charge or superintendance, births shall hereafter take place, shall keep a true and exact register of such births, and shall enter the same on a blank schedule to be furnished by the Health Officer: this schedule shall contain a list of births which have occurred under his or her care during the month, and shall set forth as far as can be ascertained, the full name of such child (if any name shall have been conferred) its sex, color, the full name, occupation and nativity of its parent or parents, the date and place of birth; and the ^{said} schedule shall be delivered, duly signed by such practitioner in the form of a certificate, on the first day of each and every month to the Health Officer, or to any authorized person calling for the same.

In case the birth of any child shall have occurred without the attendance of a physician or practitioner of Mid-wifery, or should no other person be in attendance upon the mother, immediately thereafter, it shall ^{then} become the duty of the parent or parents of such child to report this birth to the Health Officer in the manner and form and within the period above required.

Section 12;- The City Physician shall examine all cases of Asiatic cholera or smallpox brought to his notice

and report the result of such examination to the City Board of Health; he shall be vigilant and active in detecting and removing all causes of disease, and shall see that all persons violating Ordinances, in relation to the preservation of the public health are duly prosecuted. The City Board of Health or City Physician may board and inspect any vessel coming within the City limits of the City of Portland, and may quarantine under such regulations as may be prescribed any vessel that may enter the City having on board any contagious disease, provided that all cost and expense of such quarantine shall be borne and paid for by such vessel.

SECTION 13;- Every Police officer, having a regular beat, shall be ex-officio Sanitary Inspector, but without extra pay therefor. Should such officer observe that any building, premises, or street on his beat is in a condition offensive to the public health, he shall immediately report the same to the Chief of Police, who shall immediately report to the City Board of Health.

SECTION 14;- It shall be the duty of each physician in this City to report to the City Board of Health, in writing, every patient he shall have, laboring under Asiatic cholera or smallpox, variola, diphtheria, scarlet fever, typhoid fever, measles, and other dangerous and contagious diseases,

immediately after he shall be satisfied of the nature of the disease, and report to the City Board of Health every case of death from such disease immediately after it shall have occurred.

SECTION 15;- It shall be the duty of every householder in this City to report, in writing, to the City Board of Health, immediately, the name of every person boarding or lodging in his or her house, or living there, whom he or she shall have reason to believe to be sick of cholera, smallpox, variola, diphtheria, scarlet fever, typhoid fever, measles, or any other dangerous or contagious disease, and to report any deaths occurring at his or her house from any disease.

SECTION 16;- That it shall be and is hereby made the duty of the owner or occupant of every house, store, building, or tenement in said City, wherein any person may have the diphtheria, smallpox, typhoid fever, scarlet fever, measles, whooping cough, or any other dangerous or contagious disease, or diseases, to give notice to the public immediately of the existence of such disease in such house, store, building, or tenement, by placing a green flag in case of diphtheria, a scarlet flag in case of scarlet fever, a yellow flag in case of smallpox, and in all other cases a white flag, in some conspicuous place on the premises, where it may be seen by persons passing on the street near the said pre-

mises; and in case the owner or occupant of such house, store building, or tenement shall fail or neglect to place such flag, as aforesaid, it is hereby made the duty of the City Physician, as soon as he is informed of the existence of such disease at any house, store, building, or tenement, to cause such flag to ^{be} placed as aforesaid; and such flag whether placed as aforesaid by such owner or occupant, or by the City Physician, shall remain there until such person having such disease shall have so far recovered that no danger by infection shall remain; said flag shall not be less than one foot wide by one and one-half feet long.

SECTION 17;- No person having any contagious disease as enumerated in Section 16 of this Ordinance shall go out in public, or pass from house to house, or building to building, or appear in any street, alley, or other public place in said City, until he or she shall have so far recovered from such disease as to preclude all danger of infection ^{if} And ^{if} the City Physician shall be informed of any person violating this Section, it shall be his duty to cause such person to be taken forthwith to his ^{or her} place of residence if within the City, and if such residence is not within the City, then to such place as the City Board of Health may direct.

SECTION 18;- The occupant, or in case the premises

are unoccupied, the owner of any house, store, building, or tenement in said City, wherein any person may have been sick of smallpox, diptheria, or scarlet fever, shall, on the death or recovery of such person from such disease, forthwith destroy by burning, burying, or otherwise disinfect the clothes worn by such person during such sickness, together with the bedding, carpets, curtains, draperies, furniture, etc., and shall cleanse and purify the room and house, store, tenement, or building in which such sick person was confined and the Board of Health shall see that the provisions of this Section are strictly enforced.

SECTION 19;- No person owning or having control thereof, shall drive or use any vehicle, or permit such vehicle to be used or driven for the conveyance, transportation, or removal of any person infected with the smallpox, or the body of any person (who may die of such disease) without the written consent of the City Physician or the City Board of Health, and any vehicle so used, under a permit, shall not be used for any other purpose whatever, without the written consent of the City Physician or City Board of Health.

SECTION 20;- No person owning or having control thereof shall use or permit to be used, any vehicle which is used for the purpose of traveling or transporting passen-

gers, to be used for, or to allow to be placed therein, the body of any deceased person.

SECTION 21;- Any person or persons, who shall use any vehicle for carrying or transporting the body of any deceased person who has died of any disease, shall have the same plainly marked or otherwise designated as a vehicle used for that purpose.

SECTION 22;- No person attending upon or otherwise coming in contact with any person affected with smallpox in such manner or to such^{an} extent as to render him liable to communicate the disease, shall go upon any public street, or in any way mingle with people not affected with the disease.

SECTION 23;- Whenever a case of smallpox shall exist in any house or tenement, and for any reason the person affected shall not be removed to the smallpox hospital, the Board of Health may direct the City Physician to place some suitable person in charge of such premises, whose duty it shall be to see that the provisions of Section 18 of this Ordinance are strictly enforced so long as may be deemed necessary for the public's safety and at the expense of the occupant, and PROVIDED, nothing in this or the last preceding Section shall be construed to apply to Physicians. Provided, further, that all expense for such care shall be borne

by the person liable for the expense of the person having said disease, and the occupant or owner of the premises where such person may, for the time being be, having such disease.

SECTION 24;- Whenever a case of smallpox is reported to the City Board of Health, and found to be such, by the statement of the attending Physician, or of the City Physician, it shall immediately cause to be erected a yellow or quarantine flag in a conspicuous place upon said premises, or to post upon the doorways of said premises a placard, setting forth ^{the} said fact, said flag or placard to remain during the continuance of the disease on said premises.

SECTION 25;- No person shall remove a smallpox patient from any house or place within the limits of the City to any other house or place within the City limits without the written consent of the City Physician.

SECTION 26 ;- No person without a permit from the City Physician shall carry or remove from one building to another, or from any railroad depot to any house, or through the public streets, or from any boat or vessel to the shore any person sick of any contagious disease.

SECTION 27;- No Butcher's offal, garbage of any kind, nor any putrid or stinking animal or vegetable matter shall be allowed to remain on the premises of any person or to be

thrown into any street or alley, or place, or in any standing water or excavation, or upon the grounds or premises of any person.

SECTION 28;- The rendering, heating, or steaming of any animal, or vegetable product or substance, generating noisome or unwholesome odors, or gaseous vapors, shall be conducted in steam-tight kettles, tanks, or boilers, and such method shall be adopted as shall entirely condense, decompose, de-odorize, or destroy the odors, vapors, or gaseous products; and no person shall be permitted to burn upon his premises, or in any street, alley, or other place, any animal or vegetable substance, which shall create noisome or unwholesome odor.

SECTION 29;- Every owner, lessee, tenent and occupant of any stable or place in which any horse, cattle, or swine, or any other animal shall be kept, or of any place in which manure, or any liquid discharge of such animals shall collect, or accumulate, shall cause such liquid and manure to be removed to some proper place, and shall at all times keep or cause to be kept such stable and place and the drainage, yards, and appurtenances thereof in a cleanly and wholesome condition.

SECTION 30;- No person shall be permitted to pursue any business or occupation in this City that is dangerous or

detrimental to health, and every such business shall be promptly discontinued.

SECTION 31;- No person shall offer, or have for sale, or deliver to any person in this City, any unwholesome, watered or adulterated milk, or milk known as swill milk, or milk from cows that are fed on swill, stagnant water, garbage, or other like substance, or any butter or cheese made from such milk.

SECTION 32;- No person shall sell, expose for sale, or offer to sell, or deliver for human food any tainted, diseased, or bad meat, poultry, fish or game, or the flesh of any calf less than two weeks old when slaughtered, or any unsound, decayed, or unwholesome fruit, vegetables, or other market produce.

SECTION 33;- No person who is the owner or occupant of or agent for any house, store, building, or premises in the City of Portland to which a privy belongs or appertains, shall use or keep the same in such ^a condition as to cause a noisome or offensive smell so as to become a nuisance.

SECTION 34;- It shall be unlawful for any person or persons to construct or cause to be constructed, or used, any privy or cess pool under the side walk in front of or adjoining any property, owned or occupied by him or them, and every day which such person or persons shall use or

permit to be used such privy or cess pool after receiving the notice provided for in Section 35 of this Ordinance shall be deemed a new and separate offense.

SECTION 35;- Whenever the City Board of Health shall be informed or ~~or~~ have reason to suspect the existence of any nuisance prohibited by Sections 33 and 34 of this Ordinance, it shall immediately make, or cause to be made, an examination of the yard, lot, place or premises on which it is charged that such nuisance is suffered or permitted; and if a nuisance is found to exist thereon, ~~or~~ to exist in or upon any street, gutter or sidewalk adjacent to or abutting upon said yard, lot, place or premises, unless it shall be necessary in order to abate such nuisance to fill up and drain the property on which the same is situated, it shall forthwith give, or cause to be given, to either the owner, agent or occupant of such lot, yard, place or premises, or to all of them, a notice to remove or abate such nuisance; and if such nuisance shall not be removed or abated within twenty-four (24) hours after such notice, it shall cause the owner, occupant, or agent of such property to be arrested in the Municipal Court, and if he or they, shall be convicted, it shall cause the same to be removed, and it shall be, and hereby is, authorized to remove any obstructions that it may be necessary to remove in order to reach and remove or abate

such nuisance. The expense of the removal of any nuisance by the City Board of Health shall be paid by the City in the first instance, but the same shall be taxed as part of the costs in such cause and be recovered by the City from the owner, agent, or occupant notified as hereinbefore provided.

SECTION 36;- Whenever the City Board of Health shall find that it is necessary in order to abate any nuisance, to fill up or drain the ground whereon it exists, it shall report the same to the Common Council, at its next meeting, together with a description of the nuisance, the ground upon which the same exists, the owner or owners of such property, together with its estimate of the cost to fill or drain. Thereupon, if the Council adopt such report, they shall, by Ordinance, declare the same a nuisance, and they shall thereupon direct the Committee on Streets and Public Property to let the contract for making such fill or drain in the manner provided by the Charter and the Ordinances for letting street work, and the estimated cost thereof shall be entered in the Docket of City Liens as a lien against such property, and the same shall be enforced against such property in like manner and with like effect as a lien for street improvements.

SECTION 37;- It shall be the duty of the Health Officer under the direction of the City Board of Health or City

Physician, to serve all notices required by Section 35 hereof, and to prosecute all offenders against this Ordinance upon direction of the Board of Health ~~and~~ City Physician, provided, that this Section shall not be construed to limit or qualify the duty of any officer of the City of Portland in prosecuting the offenders against this or any other Ordinance.

SECTION 38;- Any person who shall violate any of the provisions of this Ordinance, shall, on conviction thereof in the Municipal Court, be fined not less than Ten or more than Two hundred Dollars, or imprisonment in the City Jail not less than three nor more than ninety days for each offense.

SECTION 39;- The City Board of Health shall hold a meeting each month, or oftener if required, at such time and place as by rule it may prescribe.

SECTION 40;- All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance, together with the Ordinance #3004, being "An Ordinance to protect the Public Health and to prevent the spread of dangerous and contagious diseases," approved February 23d, 1881, are hereby repealed.

Passed the Common Council, July 18th, 1894.

A. M. Garbille
Auditor.

Approved, July *23d* 1894.

S. P. Frank
Mayor.

ORDINANCE NO. 8881.

To protect the public health
and prevent the spread of
contagious diseases.

	YEAS	NAYS
Armstrong . . .	/
Burnside . . .	/
Fleckenstein . . .	/
Hall . . .	/
Jones . . .	/
Malone . . .	/
Menefee . . .	/
Moffett . . .	/
Monks . . .	/
Rein . . .	/
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