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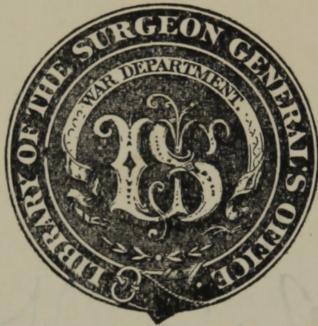


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# D R A F T

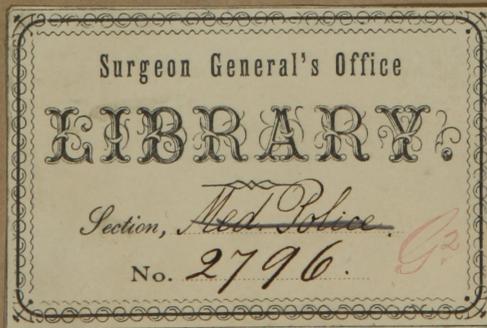
OF A

## Metropolitan Sanitary Code.

(Reported to the Committee on Internal Hygiene.)

BY HENRY G. CLARK, M.D., OF BOSTON,

One of the Committee.



WA  
C593d  
1862

Film No. 2305, no. 5

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# D R A F T

OF AN ACT FOR ESTABLISHING GENERAL AND LOCAL BOARDS  
OF HEALTH, AND FOR OTHER SANITARY PURPOSES.

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## An Act, in addition to existing Acts, for promoting the Public Health.

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**W**HEREAS it is expedient that further and more effectual pro- Preamble.  
vision should be made for improving the sanitary condition  
of populous places: Be it therefore enacted by the Senate and House of  
Representatives in General Court assembled, and by the authority of the  
5 same, as follows; that is to say:

I. This Act may be cited for all purposes as "The Public Health Act, Title.  
1860."

10 II. The Governor of the Commonwealth, with the advice and consent  
of the Council, shall appoint five discreet and suitable persons, who, General  
Board of  
Health.  
together with the Secretary of State for the time being, and the Gov-  
ernor, ex officii, shall together be and constitute a board, to be called  
"The General Board of Health;" and shall have and execute all the  
powers and duties necessary for superintending and promoting the gen-  
eral sanitary affairs of the State.

15 III. They shall hold their offices for five years, or until others are Term of  
appointed in their place; and they shall be sworn to the faithful per- office.  
formance of their duty.

20 IV. They shall meet at such convenient times as they deem expe- Meetings.  
dient, and their necessary official expenses shall be paid out of the treas- Expenses.  
ury of the State, but they shall receive no other compensation for their  
services.

- Secretary. V. They shall appoint a competent person, who may also be the Register General, to be the Secretary or Actuary of the Board, who shall receive such a salary, not exceeding \_\_\_\_\_ dollars per annum, as the Board shall determine. They shall also appoint if need be a competent physician, who shall be styled a Medical Health Officer, 5  
 Medical Health Officer. and another competent person for Surveyor, who shall be removable at  
 Engineer or Surveyor. their pleasure, and who shall receive such fees or other compensation, as the Board may from time to time determine.
- Agents. They may also appoint and employ such other persons as may be necessary to carry into effect the sanitary laws of the State, and delegate 10  
 to them the necessary powers, subject to the approval of the Local Boards of Health, hereinafter provided for.
- Duties of S. Boards. VI. They shall consider and decide upon sanitary questions submitted to them by the State, cities, towns, or Local Boards of Health.
- General duties. VII. They shall, by reports or otherwise, diffuse information to the 15  
 inhabitants of the State on sanitary matters; and shall aid, by regulations, suggestions, and by furnishing blanks, &c., the various Local Boards of Health.
- City governments authorized to establish Local Boards of Health. VIII. The corporate authorities of the various cities and towns of this Commonwealth are hereby authorized and empowered to establish Local 20  
 Boards of Health, and to enact and enforce, generally and severally, such laws, ordinances, and regulations as they may deem expedient or necessary for promoting the sanitary condition of the said cities and towns, and as are not inconsistent with the constitution and laws of the State, or the authority of the General Board of Health. 25
- Transfer of powers. IX. And the said authorities are also authorized to delegate to the said Local Boards of Health, or other agents, all the powers necessary for the convenient execution of said laws, ordinances and regulations.
- Repealing clause. X. All Acts and parts of Acts incompatible with this Act are hereby repealed. 30

DRAFT OF AN ORDINANCE FOR PROMOTING THE HEALTH OF  
TOWNS.

The Municipal Sanitary Code.

5 **W**HEREAS by an Act of the Legislature in the year 1860, entitled Preamble.  
“The Public Health Act,” this Corporation has been duly au-  
thorized and empowered to make all needful rules and regulations for  
the preservation of the health of its inhabitants: Be it therefore  
ordained by the Councils of the Town of ——, and by authority  
thereof, as follows, to wit:

I. This Ordinance shall be cited for all purposes as “The Municipal Title of ordi-  
Sanitary Code.” nance.

10 II. The duty of executing and enforcing the provisions of this “Code” Local Board  
is hereby vested in the Board of Mayor and Aldermen, [or, in towns in of Health —  
the Board of Selectmen, or such other persons as shall be chosen by the how consti-  
legal voters of said towns or districts,] and they are hereby constituted tuted.  
the Local Board of Health, with all the powers and privileges usually How empow-  
invested in Boards of Health, and with such further especial powers as ered.  
15 may be conferred by the provisions of this Ordinance.

III. And said Local Board, or its authorized agents, shall have the Right to en-  
right at all times to enter into or upon any premises for the purposes of ter premises  
this Ordinance, and also to call upon any of the officers or of the police, for the pur-  
to aid them in the execution of its provisions. poses of this  
ordinance.

20 IV. In the construction, and for the purposes of this Ordinance, the Terms used  
following words and expressions shall have the meanings hereinafter in this ordi-  
assigned to them; that is to say: nance.

The term “person,” and words applying to any individual, shall apply “Person.”  
to and include corporations, aggregate or sole.

25 The term “owner” shall mean the person for the time being entitled “Owner.”  
to the rent of the land or premises in connection with which the term is  
used, whether on his own account, or as trustee or agent for any other  
person.

30 The expression “improvement commissioners” shall mean the com- “Improve-  
missioners, trustees, or other persons, entrusted by any local act with ment com-  
powers of cleansing, paving, or otherwise improving any town. missioners.”

The term “town” shall also include “cities,” or any other municipal “Town.”  
corporation.

- “ Land.” The term “land” shall include messuages, buildings, lands, and hereditaments of every tenure ; also rivers, streams, wells, and waters of every description ; also easements of any description in respect of the foregoing particulars.
- “ Drain.” The term “drain” shall mean any drain of, and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer, into which the drainage of two or more buildings or premises, occupied by different persons, is conveyed. 5
- “ Sewer.” The term “sewer” shall mean and include sewers and drains of every description, except drains to which the word “drain,” interpreted as aforesaid, applies. 10
- “ Slaughter-house.” The term “slaughter-house” shall mean and include the buildings and places commonly called slaughter-houses and Knacker’s yards, and any building or place used for slaughtering cattle, horses, or animals of any description. 15
- “ District.” The term “district” shall mean the entire area, places, or parts of places, comprised within the limits of any district to which this “Code,” or any part thereof, shall be applied. 20
- “ Street.” The term “street” shall include a square, circus, crescent, terrace, place, row, mews, alley, court, passage, or other like place, in which the houses are continuous, or separated only by small intervals of space.
- “ House.” The word “house” shall include schools, factories, and other buildings, in which more than twenty persons are employed at one time. 25

*Sanitary Survey.*

Board to inspect and make periodical surveys. V. There shall be made, annually, a thorough sanitary survey of the town or district, as the case may be ; and, at any other time, when it shall appear from the returns to the Registrar that the number of deaths shall exceed, annually, that of twenty-five to a thousand of the population of such place. 30

Things to be noticed. And the Board of Health may, if in their discretion they think fit, direct the Medical Health Officer to cause public inquiry to be made as to the following matters and things, or any of them ; that is to say :—

- As to the sewerage, drainage, and water supply ; 35
- As to the number and sanitary condition of the inhabitants ;
- As to the accumulation of filth ;
- As to any other matter of which the Board may require to be informed.

Mode of organizing and making such survey. VI. The said survey shall be made in the manner following, to wit : 40

The inspecting Medical Health Officer shall have the right to call upon the Chief of Police, who shall detail for this service a sufficient

number of the regular patrol force, who shall act as inspecting health officers.

Upon receiving his instructions, each officer will commence and diligently prosecute his inquiries; carefully noticing the state of the streets, 5 lanes, courts, passages, common stairs, houses, rooms, cellars, yards or vacant lots in his assigned district; reporting in detail, and in writing, all accumulations of filth; all cases where the drains or water-closets are foul or obstructed; all cases of prevailing sickness, especially where there is great over-crowding, or unusual destitution; also, all cases of dead 10 bodies found in single living-rooms.

The reports may be made in the manner of the blank forms hereto annexed. (See Appendix.)

VII. When any nuisance or other source of disease is discovered, notice, in the proper form, is to be served upon the owners or occupants 15 forthwith to abate the same, and in case of refusal or neglect for a period of twenty-four hours, the Medical Health Officer is authorized and directed to cause the same to be abated or removed in the most summary manner; and he is hereby authorized to call upon the Chief of Police, the Engineer, the Registrar, and the Superintendents of Health, of 20 Streets, and of Drains, to aid him in such removal.

The expense of such removals or abatement of nuisances (of which an accurate account is to be kept,) shall be chargeable to the owners or occupants of the premises.

These measures shall be so continuously pursued as to prevent, as far 25 as possible, any re-accumulation of the causes of disease sought to be removed, and each officer will be considered strictly responsible for the sanitary condition of his assigned district.

All persons, acting under and by the authority of this order, are hereby authorized to enter upon and into any premises which it may be 30 necessary to visit in compliance with its provisions; but their object in so doing must be first stated to the occupants, and all unnecessary annoyance to them most carefully avoided.

#### *Sewerage.*

VIII. The said Board of Health may, if they shall think fit, cause to 35 be prepared, or procure, a map, exhibiting a system of sewerage for effectually draining their district for the purpose of this Ordinance, upon a scale to be prescribed by the General Board of Health; and every such map shall be kept at the office of the said Board, and shall, at all reasonable times, be open to the inspection of the tax-payers of the district 40 to which it applies.

IX. All sewers, whether at present existing, or which shall be here- after constructed, shall be entirely under the management and control of the Board of Health. Sewers to be under control of Board of Health.

X. The Board of Health shall cause their district to be effectually drained upon the plan recommended by the General Board of Health of Great Britain, and they shall have power within such district from time to time to do any of the following things :

Powers of Board as to sewerage in the district.

- (1.) To repair, arch over, enlarge, lessen or otherwise alter any existing sewer or drain. 5
- (2.) To construct any new sewer or drain, with a like power of repairing and altering the same.
- (3.) To discontinue, close up, or destroy any sewer or drain.
- (4.) To carry any sewer, drain, or pipe for the distribution of sewage through, across, or under any turnpike or other road, or county bridge, or any street or place laid out as, or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street or intended street, upon condition of making good all damage done by them ; or if it is deemed necessary by the Surveyor of the Board, into, under, or through any lands whatever, upon making due compensation for the same ; 10 15

Subject, nevertheless, to the restrictions hereinafter mentioned ; that is to say : 20

- (1.) All sewers and drains shall be so constructed and kept as not to create a nuisance, or be injurious to health.
- (2.) If, by the exercise of any of the above powers, any person is deprived of the lawful use of any sewer or drain, the Board shall provide for his use some other sewer or drain equally convenient. 25

XI. The Board of Health are hereby empowered, upon making due compensation, to do the following things ; that is to say :

Powers of Board to make contracts for sewerage.

- (1.) To construct, either above or under ground, such reservoirs and other works as may be necessary for holding the sewage flowing from the sewers of their district, or to provide outfalls for the same. 30
- (2.) To cause the sewers to empty into such reservoirs or outfalls, by means of connecting sewers, or such other means as they think fit. 35
- (3.) To contract with any company or person for the sale of such sewage, or for the distribution of it over any land ; and any such company for these purposes shall have the same privileges and be subject to the same conditions as would the Local Board. 40

5 (4.) To contract for, purchase, or take on lease any buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing any such sewage, and to lease or assign such buildings, engines, materials or apparatus to any company or person with whom the said Board of Health may contract, as aforesaid.

(5.) To purchase or take on lease any land where such purchase or leasing is necessary for carrying into execution the above objects.

10 XII. No person shall, without the consent of the Board of Health, do the following things, or any of them :

Unauthor-  
ized drains  
forbidden.

(1.) Cause any sewer or drain to communicate with or be emptied into any sewer of the Board of Health.

15 (2.) Cause any vault, arch, or cellar to be newly built or constructed under any public street; and if any sewer, drain, vault, arch, or cellar is made, in contravention of this Ordinance, the Board of Health may cause the same to be pulled down, if they shall think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from  
20 him in a summary manner.

XIII. Any owner or occupier of premises adjoining any district, may, with the consent of the Board of Health, cause any sewer or drain from such premises to communicate with any sewer of the Board, upon such conditions as they shall mutually agree.

Use of sew-  
ers by per-  
sons out of  
the district.

25 XIV. Whenever it appears to the Board of Health that any house or other building, already built, is without any drain, or water-closet, and emptying into such place as is sufficient for effectual drainage, the Board may by notice require the owner of such house or building, within  
30 a reasonable time therein specified, to make a sufficient drain of a construction approved by the Board of Health, emptying as follows; that is to say, if the sea, or a sewer of the Board of Health, or any sewer which they are entitled to use, is within one hundred feet of the site of such house or dwelling, emptying, as the Board may direct, either into the sea or such sewer; but if no such means of drainage are within that  
35 distance, then emptying into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the Board of Health directs; and if the person on whom such notice is served fails to comply with the same, the Board may themselves do the work required, and assess the expenses to the owner or  
40 occupant aforesaid.

Drains in ex-  
isting houses.

XV. The following rules shall be observed with regard to drains of houses not already built :

Drains in  
new houses.

- (1.) The drains of every such new house or building as aforesaid, shall be covered in, and be of such size and materials, at such level, and with such fall, as may be effectual, in the opinion of the Surveyor or Engineer of the Board, to secure a proper drainage of such house or building, and its appurtenances. 5
- (2.) If the sea, or a sewer of the Board of Health, or a sewer which they are entitled to use, is within one hundred feet of any part of the site of such new house or building, the drains so to be constructed shall communicate with such one of those means of drainage as the Board directs. 10
- (3.) If no such means of drainage are within that distance, then the last-mentioned drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the Board of Health directs. 15
- (4.) Any house or building which, during the process of repairs, shall be pulled down to the ground floor, shall be subject to the same regulations as if it were a new house or building. 20

XVI. If any house or building is built or rebuilt, or any drain constructed, contrary to the foregoing provisions, the owner of such house or building shall be subject to the following liabilities ; that is to say :

Penalties for  
unauthorized  
drains, &c.

- (1.) He shall incur such a penalty for each offence as the Board may determine ; or, 25
- (2.) The Board of Health, after due notice and his failure to comply therewith, may thereupon proceed to do the work required, and assess the expenses upon said owner.

*Cleansing.*

XVII. The following works shall be done in respect to scavenging : 30

- (1.) All public streets, together with the foot pavements thereof, shall be properly cleansed and watered ; all roads shall be properly cleansed, and the whole or any part of such roads may, in the discretion of the Board of Health, be watered.
- (2.) All dust, ashes, and rubbish shall be carried away from the premises of the inhabitants. 35
- (3.) All privies and cesspools shall be from time to time emptied and cleansed. And the Board of Health may themselves undertake, or contract with any person to undertake the aforesaid works, or any of them. 40

XVIII. No person, except by direct authority of the Board, shall undertake to remove any of the substances mentioned in the preceding section, or obstruct the Board or its agents in so doing. No person to remove without permit.

XIX. In cases where the Board of Health do not themselves undertake, or contract with any person to undertake, the works heretofore named, they may make by-laws imposing on the occupier of any premises any or all of the duties of cleansing. They may affix reasonable penalties for the breach of said by-laws. Authorized to make by-laws and affix penalties.

XX. Whenever the Board of Health shall be satisfied that the number of persons occupying any tenement or building is so great as to be the cause of nuisance, or sickness, or a source of filth; or that any tenements or buildings are not furnished with vaults constructed according to the provisions of this Ordinance; or with a sufficient number of privies or water-closets with underground drains; with proper ash-pits, or with a proper water supply; or that, from any cause, they are in a condition which is prejudicial or dangerous to the public health, or to the health of the occupants themselves; they may thereupon issue notice in writing to such persons, or any of them; that is to say, the owner, agent, or occupant, or either of them to cause either or all of these deficiencies to be supplied, and the premises put into a cleanly and proper condition, within such reasonable time as they shall appoint: and in case of neglect or refusal to obey such notice, they may themselves cause the alterations and cleansings to be done forthwith, and the expense of it shall be paid by such owner, agent, occupant, or other person. Or they may, if they think fit, issue notice to the persons inhabiting such tenement, or to the owner or agent, requiring them to remove from and quit the premises, within such time as the Board may deem reasonable; and if the person or persons so notified, or any of them, shall neglect or refuse to remove from said tenement or building, the Board of Health are hereby fully authorized and empowered thereupon forcibly to remove them. Board authorized to compel owners and occupants to put their premises into a healthy condition. And to vacate by force or cleanse the premises at their option.

XXI. The Board of Health may make and issue by-laws for the prevention of nuisances arising from filth, dust, ashes, and rubbish, or from the keeping of animals, and may annex reasonable penalties for the breach of said by-laws. Board may make by-laws against nuisances.

XXII. The business of a blood-boiler, bone-boiler, bone-burner, fellmonger, slaughterer of animals of any description not fit for human food, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade or manufacture, shall not, without the consent of the Board, be established within the district; and the Board may make such regulations in regard to these occupations as they may deem expedient. Offensive trades not to be carried on without permission of the Board.

Stagnant  
water, &c.

XXIII. When the contents of any sewer, or any flow of filth or refuse, are or is discharged into any river or stream, in the bed of which the quantity of water is so much diminished, either by drought during the summer, or by any other cause, as to be insufficient to keep the channel clear, the Board of Health may, by excavations or other operations, so deepen the channel whereby the flow of water will be accelerated, and the contents of said sewers or drains be thereby prevented from accumulating and stagnating in parts thereof, to the injury of the health, and the annoyance of the surrounding population. 5

No filth to  
be thrown  
into streets,  
squares, lots,  
or into ponds  
or docks.

XXIV. No person, without the license of the Board of Health, shall throw into, or leave in or upon any street, square or vacant lot, or into any pond or body of water, within the limits of this town or district, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, manure, oyster, clam or lobster shells, waste water, rubbish or filth of any kind, or any refuse animal or vegetable whatsoever. Nor shall any person throw into, or leave in or upon any dock, flats or tide-water within the jurisdiction of this district, any dead animal or other foul or offensive matter, except as above provided. 10 15

Livery sta-  
bles to be  
kept clean.

XXV. The owners and occupants of livery and other stables within the limits of the town or district, as the case may be, shall not wash or clean their carriages or horses, or cause them to be washed or cleaned in the streets, nor otherwise encumber the same; they shall keep their stables and yards clean, and shall not permit more than four cartloads of manure to accumulate in or near the same, at any one time between the first day of May and the first day of November; nor within that period suffer the same to be removed, except between the hour of twelve at night and two hours after sunrise. 20 25

Swine not to  
be kept.

XXVI. Swine shall not be kept within the limits of the town without a permit from the Board of Health.

#### *Slaughter Houses.*

30

Slaughter-  
houses.

XXVII. No place shall be used or occupied as a slaughter-house except by permission of the Board of Health; and they may make by-laws with respect to their management, and for keeping the same in a wholesome state. 35

#### *The Markets.*

Inspectors  
may enter  
markets and  
examine pro-  
visions; and,  
in certain  
cases, seize  
and destroy.

XXVIII. The Medical Health Officer or either of the Inspectors or Agents of the Board of Health may, at all reasonable times, enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat, poultry or fish, or as a slaughter-house; and to examine any animal, carcass, meat, poultry, game, flesh or fish which may be 40

therein; and in case either of them, being intended for the food of man, shall appear to be unfit for such food, the same may be seized; and if it prove to be unwholesome, he shall order the same to be destroyed, or be so disposed of as to prevent its being again exposed for sale.

XXIX. No person shall be permitted to bring into town for sale, or sell, or offer for sale any fresh fish, until the same shall have been cleansed of their entrails and refuse parts; and such entrails and parts shall be thrown overboard below low-water mark; and shall never be kept beyond the flowing of the next tide; and until so thrown overboard, they shall be kept in a close and safe manner on board the vessels or boats in which the fish were brought. And no person shall sell or offer for sale fish, of any kind, unless the same be kept in covered stalls, fish boxes or other houses, which shall always be clean and in good order,— or in clean covered carts, or boxes, well secured from the rays of the sun.

Fresh fish, how sold and kept.

Entrails, &c., to be removed out of the town limits.

XXX. No person shall have in his possession for sale, or shall sell or offer for sale within the limits of the town, any vegetables whatever, excepting green peas in the pod, and green corn in the inner husks, which have not previously been divested of such parts or appendages as are not commonly used for food.

Vegetables, &c., how sold.

XXXI. No person shall land on any wharf or other place, or shall bring into town any decayed or damaged grains, vegetables, or fruit, without a permit from an officer of the Board of Health, and in such manner as he may direct.

Damaged and decayed vegetables, &c.

XXXII. No person shall sell any adulterated or unwholesome food or drink; and if, upon being notified by the Board to discontinue such practice, he shall neglect or refuse to obey such order, he may be ejected from the precincts of the market, and such articles of food or drink may be seized and destroyed.

Sale of adulterated food or drink prohibited.

XXXIII. And the Board of Health is also hereby authorized to make, promulgate, and enforce such by-laws for the government of the market houses and the sale of provisions, as they may think expedient.

Regulation of market-houses.

*Dram-Shops and Drinking Houses.*

XXXIV. All unlicensed dram-shops and drinking houses for the sale of intoxicating drinks, are hereby declared to be nuisances, and may be abated as such by the Board of Health.

Dram-shops and drinking-houses, how abated.

*Epidemic and Contagious Diseases.*

Epidemic, endemic, contagious and malignant diseases, measures to be taken against. XXXV. When any epidemic, endemic, or contagious disease shall threaten the town, or affect any part of the same, in order that measures of precaution may be taken with promptitude, according to the exigency of the case, the Board of Health may issue such directions and regulations as they may think fit; and they shall provide for the frequent cleansing of streets and public ways, and for the cleaning, purifying, ventilating, and disinfecting of houses by the owners or agents; for the removal of nuisances; to provide for the sick by establishing and opening temporary hospitals, and for the speedy interment of the dead; and generally for preventing or mitigating such malignant diseases, in such manner as to the said Board seems expedient. And if any vessel, having any contagious or other malignant disease on board, or having come from ports where such diseases are prevailing, shall arrive at either of the wharves, or come to anchor near them, she shall be ordered by the Health Officer to proceed to Quarantine, there to report herself to the Quarantine Physician.

Infected vessels to be sent to quarantine.

*Public Vaccination.*

Vaccination to be free. XXXVI. In order to prevent the spread of small pox, and to diffuse the benefits of vaccination, it is hereby ordained, that there shall be provided a suitable apartment for the Medical Officer of the Board, at which place he shall attend at such times as the Board may direct; and he shall vaccinate without charge any inhabitant of this town not previously vaccinated, who may apply for that purpose. And he shall give certificates of said vaccination, without which no child shall be admitted to the public schools. And he shall also always have on hand, as far as practicable, a sufficient quantity of vaccine lymph to supply the physicians of the public institutions.

Children not admitted to school without.

*Common Lodging Houses.*

Lodging-houses to be registered and licensed. XXXVII. No person shall keep a common lodging house without a license from the Board of Health, after inspection by the Medical Health Officer of the Board. And a register shall be kept, in which shall be entered the name of every person applying to register any common lodging-house kept by him, and the situation of every such house; and the said Board shall from time to time make by-laws for fixing the number of lodgers who may be received into each house so registered; for promoting cleanliness and ventilation therein; and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made: and the person keeping any such lodging-house shall give access to the same when required by any person who shall produce the written authority of the Board, for the purpose of

Access to by health officer at all times.

inspecting the same, or for introducing or using therein any disinfecting process ; and the expenses incurred by the said Board in such process, shall be assessed and collected from the keeper of said house ; and if any such keeper of such lodging-house shall neglect or refuse to obey the 5 directions of the " Board of Health," he shall forfeit his license.

*Cellars.*

10 XXXVIII. No cellar or underground room shall be let or occupied separately as a dwelling, without being registered and licensed by the Board, and unless it possesses the following requisites ; that is to say :

Cellars, under what conditions they may be inhabited and let.

- (1.) Unless the same is in every part thereof at least seven feet in height, measured from floor to ceiling thereof ; nor,
- (2.) Unless the same is at least one foot of its height above the surface of the street or ground adjoining or nearest to the same ;  
15 nor,
- (3.) Unless there is outside of and adjoining such cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open area of at least three feet wide in every part ; nor,  
20
- (4.) Unless the same is well and effectually drained, and secured against the rise of effluvia from any sewer or drain ; nor, Also, drains.
- (5.) Unless there is appurtenant to such cellar or room the use of a water-closet or privy, as the Board may require ; and of an ash-pit, furnished with proper doors and coverings ; nor,  
25
- (6.) Unless the same has a fireplace, with a proper chimney or flue ; nor, Fireplace, or ventilating flue.
- (7.) Unless the same has an external window of at least nine superficial feet in area, clear of the sash frame, and made to open in such manner as is approved by the Surveyor of the Board.  
30

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any cellar or underground room, contrary to this section, shall be liable to forfeit his license, and shall be subject, if he persists, to such other penalty as the Board may determine : and every cellar, or 35 underground room, in which any person passes the night, shall be deemed to be occupied as a dwelling within the meaning of this Ordinance ; but the above rule shall be qualified in respect to areas as follows :

- (1.) In any area adjoining a cellar or underground room, there may be placed steps necessary for access to such cellar or room, if the same are so placed as not to be over or across the said external window.  
40

License forfeited if, &c.

Steps to cellar, how to be made.

Steps to upper apartments. (2) Over or across any such area there may be steps necessary for access to any building above the cellar or room to which such area adjoins, if the same be so placed as not to be over or across any such external window.

*New Streets and Houses.*

5

New streets, how laid out and constructed. XXXIX. The Board, with the consent of the town councils, and with the advice and aid of the engineer or surveyor, shall fix and determine the following matters; that is to say:

- Sewerage. (1.) With respect to the level and width of new streets, and the provisions for the sewerage thereof. 10
- Security against fire. (2.) With respect to the structure of walls of new buildings, in reference to stability and the prevention of fires.
- Ventilation. (3.) With respect to the sufficiency of the space in connection with buildings, to secure a free circulation of air, and the ventilation of buildings. 15
- Drainage, water-closets, &c. (4.) With reference to the drainage of buildings, to water-closets, privies, and cesspools in connection with buildings, and to the closing and prohibition of buildings or parts of buildings unfit for human habitation.

They may annex such penalties, and further provide for the observance of these regulations by such by-laws as they think necessary; and may alter or pull down any work begun or done in contravention of such by-laws: *Provided*, however, that no person shall be deprived by any by-law of such right of appeal as is hereinafter given in respect of by-laws. 20

Right of appeal in all cases.

*Supply of Water.*

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Supply of water. XL. The following provisions shall be observed with respect to the supply of water:—

- To be under control of commissioners. (1.) All public wells, pumps, conduits, or other works used for the gratuitous supply of water to the inhabitants, shall vest in, and be under the control of, a Board of "Improvement Commissioners," or such persons as may be chosen for that purpose by the town councils, with the approbation of the Board of Health, who shall have the right to direct the use of the water for any sanitary purpose. 30
- Shall be supplied for domestic use. (2.) A sufficient quantity shall be supplied for domestic purposes, the takers paying such fixed rates therefor as may be determined; and 35
- For baths and wash-rooms. (3.) May be supplied to any public baths or wash houses, or for manufacturing purposes, on such terms and conditions as may be mutually agreed upon. 40

(4.) A sufficient quantity shall be provided for flushing sewers and drains, for putting out fires, for cleaning and watering the streets, and for other public purposes. For drains, sewers, fires, cleaning, &c.

5 (5.) The expense of providing a supply of water for the foregoing purposes, over what shall be paid by the takers, shall be assessed on the inhabitants, or paid in such other way as the councils shall determine. Cost, how paid.

XLI. Any person who wilfully wastes or fouls the water, or injures any of the works for its supply, shall be liable to such penalties as the Board or the Commissioners shall determine, and shall be also liable to a suit for damage at common law. Penalties for waste, fouling, or injuring the works.

15 XLII. When it shall appear that any house or tenement let to other persons than the owners thereof is not in any way supplied with water, the owners of such house or tenement shall be notified by the Board of Health to supply the same; and in case of refusal or neglect to do so within a reasonable time, the Board may supply the same at the expense of the owner, or, at its option, vacate the premises.

*Pleasure Grounds.*

20 XLIII. The Board of Health may, with the approval of the town council, hold, purchase by agreement, take on lease, maintain, lay out, plant, and improve land for the purpose of being laid out as public walks or pleasure grounds, and support or contribute towards any premises provided for such purposes by any person whomsoever. May lay out walks and pleasure-grounds.

*Interment of the Dead.*

25 XLIV. The Board of Health, with the consent of the councils, shall, from time to time, provide, in such places as, having regard to the public health, may appear to them expedient, and within or without the limits of the district, burial grounds of sufficient extent for the decent interment of the bodies of all persons dying within the district; and it shall 30 be lawful for the said Board, in case it appears to them necessary or expedient so to do, to enlarge any burial ground provided by them under this Ordinance, and to make any road to such ground, or to enlarge or improve any existing road for facilitating the approach to such burial ground; and for providing any such burial ground, or improving it, they 35 may purchase any lands which it may appear to them expedient to purchase for that purpose. Provision to be made for the interment of the dead. Board may purchase burial-grounds.

40 XLV. They may inclose and lay out the burial grounds thus provided, and build therein suitable chapels for the performance of the burial service, and such other buildings and works as may appear to them fitting and proper. And may lay out and enclose them for that purpose.

XLVI. When the said Board shall be of opinion that interment (otherwise than in the burial ground provided in this Ordinance), should be discontinued, wholly, or subject to any exception or exceptions, in any part or parts of the town [or district,] they shall, after due notice, order their discontinuance; and the grounds so discontinued shall be closed or fenced up in such a manner as to protect the public health, and secure proper respect to the bodies interred therein. And this section shall also be considered as applying to vaults under churches and chapels as well as to the open burial grounds. 5

XLVII. No burial shall take place or be permitted in any of the so closed grounds, or under or in any churches or chapels to which this order shall have been applied, except in the cases following; that is to say: 10

(1.) In case of long previously existing private rights of sepulture, the Board may in their discretion give a license, under such restrictions as may seem to them proper. 15

(2.) Or if, on representations properly made to them, they may deem the permission, if granted in exceptional cases, not prejudicial to the public health.

XLVIII. But any and all persons who may have, by any such discontinuance or closure of any burial ground, as provided for in section XLV., been deprived of any rights of sepulture, shall have in the newly consecrated ground the same rights as they respectively would have had in the burial places thus closed and discontinued; or they shall be otherwise equitably compensated therefor. 20 25

XLIX. The relatives of any deceased person, with the consent of the Registrar, or other person having charge of the closed ground in which the body of the deceased has been interred, and subject to the regulations of the Board, may cause such body to be removed to, and reinterred in any burial ground provided under this Ordinance. 30

L. The Board from time to time may make regulations as to the depth and formation of the graves and places of interment, the nature of the coffins to be received in the burial grounds thus provided, the time and mode of removing bodies, and generally, as to all matters connected with the good order of such burial grounds, and as to the conduct of funeral processions, and the convenient exercise of the rights of interment therein: and such regulations shall be printed and published, and shall be fixed and continued on some conspicuous part of every such burial ground. 35

May discontinue old burial places.

Burials prohibited except under certain circumstances.

Compensation must be made to proprietors of burial rights.

Relatives may remove bodies by permission.

Board to regulate depth of graves, &c.

Funeral ceremonies.

LI. All burials shall be registered in books to be kept for the purpose, in the manner directed, and by the officer whose duty it shall be made by the Board of Health.

All burials to be registered.

LII. No burial shall take place except upon the written permit of the Registrar or Coroner, who, before issuing said permit, shall require to be furnished with the name, sex, age, rank, profession or occupation, and the residence at the time of death of said person ; nor shall such permit be then issued, except the cause of the death of said deceased person shall be fully certified to the Registrar or other permitting officer, by some regularly licensed and competent physician or surgeon.

No burial without a permit from the registrar. No permit to be issued without a physician's certificate of the cause of death.

LIII. The Board may at any time after the passage of this Ordinance, build, or otherwise provide, in suitable and convenient locations, houses for the reception and care of the bodies of the dead, previously to and until interment, and make arrangements for the reception and care of such bodies therein, and appoint fit officers for such houses of reception ; and they may also appoint or provide medical or other officers, who, in cases where the friends of the deceased so desire, may cause the body of the deceased to be decently removed to one of the houses of reception provided for under this section.

Houses of reception.

LIV. The Board may, from time to time, fix, according to a just and regular scale of charges, the rates in classes, varying according to circumstances, of prices for the conduct of funerals, but so that in respect of the lowest of such classes, the funeral may be conducted with decency and solemnity.

Funeral charges to be regulated by the Board.

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*General Provisions.*

LV. There shall be elected or appointed annually, or at such times as shall be determined by the town councils, for the purposes of this Ordinance, the following officers, who shall receive such compensation, and perform such specific duties, as shall be from time to time determined ; that is to say :

Officers to be elected to execute this Sanitary Code.

(1.) A Registrar, whose duty it shall be to record the births, deaths, and marriages, and to superintend burials.

Registrar.

(2.) A Medical Health Officer, who shall be the principal physician-in-ordinary to the Board of Health, who shall superintend, under the direction of the Board of Health, all the sanitary measures ordered by the Board ; and who shall advise them generally as to all matters relating to the public health.

Medical Health Officer or City Physician.

35

- Board of Consulting Physicians. (3.) A board of five Consulting Physicians, who shall be elected annually, and whose duty it shall be, in case of an alarm of any contagious or other dangerous disease occurring in the district, to give the Board of Health all such professional advice and information as they may request, with a view to the prevention of such disease, and at all convenient times, when requested, to aid and assist them with their counsel and advice in all matters that relate to the preservation of the health of the inhabitants. 5
- Surveyor. (4.) An Engineer, or Surveyor, whose duty it shall be to furnish all plans required for the use of the Board; to advise in relation to the construction and grade of the streets; the structure of the drains; the water supply; and, generally, with regard to all plans for improving the surface and substratum of the district. 10 15
- Various superintendents. (5.) Superintendents of Streets, of Drains, and of Burials; whose duty it shall be to supervise, and direct, and execute the details of the various departments to which they shall be assigned, under the direction of the Board, of the Health Officer, or of such other persons as the Board of Health may direct. 15 20
- (5.) Such other officers as the councils may from time to time determine.
- Penalties for violating provisions of this Code. LVI. Any person who shall violate the provisions of this Ordinance, or any of them; or who shall obstruct the Board, or any of its authorized agents, in the performance of their lawful duties; or who shall do any act or acts by which the public health is endangered, shall be fined therefor not less than \_\_\_\_\_ dollars, nor more than \_\_\_\_\_ dollars, for each and every offence, and he shall be subjected to such other penalty as the Board of Health, with the approval of the councils, may fix and determine, and which are not repugnant to the Constitution and laws of the State, or in violation of the regulations of the General Board of Health. 25 30
- Every person has a right to appeal to Board of Health or to courts of law. LVII. If any person feels aggrieved by any order of the Board of Health, or by the orders or acts of any of its accredited officers or agents, he shall always have the right of appeal to the Board of Health; or, if he so elects, he may prosecute such appeal in the courts of law, in accordance with the Bill of Rights, as in such cases made and provided: but no such appeal shall be entertained by the Board of Health, unless said appeal is made within four months next after making such order, or the doing of such act, nor unless ten days' notice in writing is given to the party against whom the appeal is brought, stating the 35 40

nature and grounds thereof; nor then, unless the appellant enter into sureties duly to abide the decision of the Board, or to prosecute his appeal in the proper court.

LVIII. All Ordinances and parts of Ordinances heretofore passed, inconsistent with this Ordinance, are hereby repealed.

Repealing  
section.

## A P P E N D I X .

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The Health Officer, or Inspector, after ascertaining the condition of his district, shall make his report in the following manner, viz :

"Health Officer, A. B. \_\_\_\_\_, District \_\_\_\_\_, reports the condition of premises No. \_\_\_\_\_, \_\_\_\_\_ street, to be as follows :

1. PREVALENT SICKNESS.

(Under this head state what the disease is, and how many are affected.)

2. OVERCROWDING.

(State in figures the number of persons occupying the rooms or houses in *badly situated localities*.)

3. VENTILATION.

(State if there is any: and, if so, whether it is by doors, windows, or fire-places; especially *when the apartments are closed at night*.)

4. DRAINAGE.

(State simply if there is *any*, and whether it is "*good*" or "*bad*." )

5. FILTH AND RUBBISH.

(State the kind, quantity, (by estimate,) and its specific locality.)

6. WATER SUPPLY.

(State if there is a supply of water for *cooking, washing, or bathing*, and of *what kind*.)

7. DEAD BODIES IN SINGLE LIVING-ROOMS.

(State the cause of death, and the general condition of the apartment and its inhabitants.)

He shall also make a record, in a book to be furnished him for that purpose, of the same facts in a tabular form.

