

CHAPTER 412.

[H. F. No. 808.]

AN ACT ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS FOR THE COUNTY OF AITKIN, STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. There shall be elected at the next general election to be held in the said county of Aitkin, three (3) county commissioners one of whom shall hold his office for a period of two (2) years from the first (1st) day of January, one thousand eight hundred and ninety-one (1891); one for a period of four (4) years from said date, and one for a period of six (6) years from said date. And there shall be elected bi-annually thereafter one (1) county commissioner, who shall hold his office for a period of six (6) years.

SEC. 2. Said county commissioners provided for in section one (1) of this act shall be elected at large by the voters of said county and without reference to any commissioner districts heretofore established.

SEC. 3. All acts or parts of acts inconsistent herewith so far as the same relates to the county of Aitkin are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1889.

CHAPTER 413.

[H. F. No. 831.]

AN ACT RELATING TO THE REORGANIZATION OF THE HEALTH DEPARTMENT AND THE PRESERVATION OF THE PUBLIC HEALTH OF THE CITY OF MINNEAPOLIS, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There is hereby established an executive department in the municipal government of the city of Minneapolis, Minnesota, which will be known as the department of health, and shall embrace the mayor, the committee of the city council on health and hospitals, and the commissioner of health, and such other assistants and employees as are hereinafter provided for.

SEC. 2. The executive officer of said department shall be called the commissioner of health of the city of Minneapolis and must be a competent physician of regular practice in said city. The city council shall appoint a commissioner to serve until the first (1st) Mon-

day in January, 1891, at which time, or as soon thereafter as may be, and each two years thereafter, the city council shall appoint a commissioner of health, whose term of office shall be two (2) years, or until his successor is appointed and qualified.

SEC. 3. Said commissioner shall have the management and control of all matters pertaining to the public health in said city under the supervision of the department of health.

SEC. 4. Said commissioner, before entering upon the duties of his office, shall execute a bond to the city of Minneapolis, Minnesota, in the sum of three thousand dollars (\$3,000) with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of said office.

SEC. 5. Said department of health shall exercise a general supervision over the sanitary condition of the city, and shall have the power to nominate two (2) medical inspectors, and five sanitary inspectors, subject to the approval of the city council, who shall fix their salaries; all of said persons shall execute a bond to the city of Minneapolis in the sum of five hundred dollars (\$500) with such securities as the city council shall approve conditioned on the faithful performance of the duties of said office and shall be subject to the orders of the department of and shall perform such duties as the said department of health or the council committee by ordinance may require and determine, and such officers shall have by virtue of their office such police power and authority as may be necessary to carry into effect the provisions of this act.

SEC. 6. Should the necessity arise at any time for more health officers or inspectors, or other employees than are hereby provided for, the department of health shall have power to increase the force and prescribe their duties by and with the consent of the city council.

SEC. 7. Said department of health shall have the power to remove any subordinate officer, inspector or employee of said department of health at their pleasure; subject however to the approval of the city council; and all orders and directions emanating from said department of health shall be issued in the name of said commissioner.

SEC. 8. The said commissioner of health shall give to the mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same, or cause it to be investigated and adopt proper measures to arrest its progress.

SEC. 9. It shall be the duty of the commissioner of health to enforce all the laws of the state and ordinances of the city of Minneapolis relating to the sanitary regulations of the city, and cause all nuisances to be abated with all reasonable promptness. And, for the purpose of carrying out the foregoing requirements, he, or his subordinates, shall be permitted, at all reasonable times, to enter into any house, store, stable or other building, and to cause the opening of the floor, if he should deem it necessary, in order to have a thorough examination of cellars, vaults, sinks, or drains; and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals, or nauseous or unwholesome things or substances to be buried,

or removed, or disposed of as the commissioner of health may direct.

SEC. 10. In order to carry out the provisions of the foregoing section, it shall be the duty of the commissioner of health, to serve a notice upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or the owner or cause of any such nuisance, requiring them to abate the same, in such manner as he may prescribe, within reasonable time. *Provided*, that it shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so; and such notice may be given or served by any officer who may be directed or deputed to give or make the same; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, they shall be subject to a penalty hereinafter provided, and it shall be the duty of the said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated. *And provided, further*, that whenever the owner, occupant or agent of premises, in or upon which any nuisance may be found, is unknown or cannot be found, the same commissioner shall proceed to abate the same without notice; and in either case the expense of such abatement shall be collected from the person or persons who may have created, continued and suffered such nuisance to exist.

SEC. 11. Any expense incurred by the health department, in enforcing the provisions of the above section, shall be recovered in an action of debt, to be brought in the name of the people of the state of Minnesota against the party *responsible*.

SEC. 12. It shall be the further duty of the commissioners of health to visit and examine, or cause to be visited and examined, all sick persons who shall be reported to him as laboring or supposed to be laboring under any yellow or ship fever, small-pox, cholera, or any infectious or pestilential disease, and cause all such infected persons to be removed to the cholera, small-pox, or other hospitals, or to such other safe and proper place as he may deem proper, not exceeding three (3) miles from said city, and cause them to be provided with suitable nurses and medical attendance, at their own expense, if they are able to pay for the same, if not, then at the expense of the city.

SEC. 13. It shall be the further duty of the commissioner of health to cause a notice, written or printed in large letters, to be placed upon or near any house in which any person may be affected or sick with small pox, scarlet fever, or any infectious, pestilential or epidemic disease, upon which shall be written or printed the name of such disease and an order forbidding any person or persons, excepting the medical attendants and spiritual advisors, from going to or leaving said premises, and if any person or persons shall deface, alter, mutilate, destroy or tear down such notice, without permission of the commissioner of health, or shall otherwise fail to comply with this act, such person or persons shall be subject to the penalty hereinafter provided; the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall be held responsible for the compliance with the act and for the unauthorized removal of the notice, and if the same shall be removed without the permission of the health

commissioner such occupant shall be subject to the penalty hereinafter provided.

SEC. 14. The department of health shall have charge of the quarantine hospitals, and shall have the power to employ such assistants and nurses as they may deem necessary, and it shall be their duty to see that the said hospitals are provided with suitable furniture, nourishment, fuel and medicines, and all persons sick or dying therein, or in other places under charge of the city who have not the means to defray their own expense of sickness and burial shall be cared for or buried at the expense of the city.

SEC. 15. In case of pestilential or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city shall be of such a character as to warrant it, it shall be the duty of the said department of health to take such measures and to do and order, and cause to be done for the preservation of the public health (though not herein or elsewhere or otherwise authorized), as they may, in good faith declare the public safety and health to demand.

SEC. 16. The department of health may take such measures as they may, from time to time, deem necessary, to prevent the spread of smallpox, by issuing an order requiring all persons in the city or any part thereof requiring vaccination, to be vaccinated within such time as they shall prescribe, and all persons refusing or neglecting to obey such order shall be liable to the penalty hereinafter provided. *Provided*, that it shall be the duty of the department to provide for the vaccination of such persons as are unable to pay for the same, at the expense of the city.

SEC. 17. The department of health shall have the power to cause any house or premises to be cleaned, disinfected, or closed to visitors, and prevent persons from resorting thereto while any person is laboring under any pestilential or infectious disease; they may, by an order, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises, and may prescribe the time and mode for doing so and take any other measures they may deem necessary and proper to prevent the spread of any infectious, pestilential or epidemic disease; and any person who shall neglect or refuse to obey the orders, directions and instructions of said department of health, shall be subject to a penalty hereinafter provided.

SEC. 18. Said department, whenever and at such times as they shall deem it necessary, may, by proclamation (the approval of the city council being first had and obtained), require all boats, vessels, railroad cars or other public conveyances bound for this city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at any or either of the sites, places or boundaries so selected and established for quarantine purposes, and all such emigrants, travelers or persons and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries shall be deemed proper on account of the existence of or general report of smallpox, cholera or any contagious diseases or disease apprehended to endanger the health of the city.

SEC. 19. Whenever it shall be deemed necessary to issue such proclamation, it shall be the duty of said department to send the same, together with the substance of the regulations for quarantine and the period for which the same shall be in force, unless sooner revoked, to such cities and places as by them may be deemed proper.

SEC. 20. They shall also cause to be stationed at such quarantine sites, places and boundaries, as they may deem advisable, one or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances as aforesaid, required to touch or stop at such quarantine respectively, and then and there determine what emigrants, passengers or persons (if any) shall stop at such quarantine; and it shall be the duty of all persons, conducting or in charge of any such vessel, boat, car or public conveyance, to aid and assist any such physician or health officer in the exercise of his duties.

SEC. 21. Said physician or health officer shall attend to all sick persons who may be landed or placed in quarantine, and provide medicines and necessaries for their use, and shall have general supervision of such quarantines, and compel persons therein to purify their bodies, clothing and baggage, and do all such acts and things as shall be proper in the premises, keeping correct accounts of all expenditures and wages, which shall be allowed and paid by order of said department.

SEC. 22. Whenever the physician or officer in charge of any quarantine station or place as aforesaid, shall, upon examination, be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place and such boat, vessel, car or conveyance shall have been thoroughly cleansed, and such persons as aforesaid landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit, signed by him, to enter the city, which shall be ample authority for entry of said boat, vessel, car or conveyance and the said officer, respectively, shall discharge all persons in quarantine by their certificate for that purpose, whenever they are satisfied that such persons are free of disease and their baggage and effects properly purified. *Provided, however,* that the department in their discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever or other contagious or infectious diseases, forbid the admission of emigrants or others peculiarly liable thereto in any or all of said quarantine stations until, in their opinion, the health of the city will justify the same.

SEC. 23. It shall be the duty of said department, whenever by them it shall be deemed necessary, to keep at the quarantine station or stations a sufficient force whose duty it shall be to enforce all regulations by this charter required or by said department to be established, and to arrest all persons violating said regulations or committing any breach of peace, and bring such person before any court having jurisdiction for trial, and to arrest and hold for trial all persons disobeying or interfering with or resisting any physician, health officer or other persons in authority at such quarantine sites, places or stations.

SEC. 24. In case any boat, vessel, car or public conveyance shall

leave any quarantine station, place or boundary without a permit as aforesaid, or shall fail to stop at the same, when as aforesaid required by the issuance of the said proclamation, or whenever the person in charge thereof, or any person under his command shall fail or refuse to obey any regulation or command of the said department of health, physician or person in charge of any quarantine station or place, or of any provision or requirement of this chapter, the said department shall have the power, and it is hereby made their duty, if, in their opinion, the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance and cause the same, with the crew and passengers on board, to be landed or stopped or conveyed to the quarantine station or place, and there to remain until properly discharged by the permit aforesaid; and the owner, master or person in charge of any such boat, vessel, car or public conveyance shall be liable to the city for all expenses and costs incurred by reason thereof. If any emigrants, travelers or persons so placed in quarantine as aforesaid, shall leave the same without permission as aforesaid, they may be arrested and taken back to said quarantine and there retained until such permission shall be given.

SEC. 25. Said department shall make such rules and regulations for the government of the quarantine or health of the city as from time to time they shall deem necessary, and the physician or health officer in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof, and it shall be the duty of all persons in quarantine and all agents, officers, policemen or others employed by the city in and about such quarantine stations or places, to carry out and obey the same.

SEC. 26. The said department of health, by and with the approval of the city council, may appoint one or more competent physicians as quarantine physicians whenever the same shall become necessary by reason of the prevalence of any epidemic or pestilential disease, who shall be present at such quarantine stations as the said department of health shall designate, and attend to all duties imposed by this chapter or by the regulations of said department, and who shall receive each for actual services rendered, and for such times as such services shall be actually required, not less than five (5) dollars nor more than ten (10) dollars per day, to be allowed by the said department; also, the said department may employ such agents, servants, nurses or temporary medical assistance for the purpose of carrying into effect the objects and intents of this chapter, or of any regulations, as in their judgment shall, from time to time be necessary, or authorize the employment thereof by the physicians or health officers in charge of any quarantine station or place.

SEC. 27. All the salaries, wages and expense in this article contemplated, are to be audited and allowed by the city council; and when so allowed are to be paid out of the general fund. *Provided*, that when practicable, the persons taken in such quarantine or stations and receiving the aid and care afforded thereby, shall each pay a sum of money sufficient to meet all expenses, labor and care incurred in his behalf, which money shall be faithfully kept, reported and accounted for by the physicians, health officers, or other persons in charge of

said quarantine or station, to the said city; and all other expenses incurred or to be incurred, by reason of this chapter, or of any regulation of said department, shall be paid out of the general fund.

SEC. 28. No person, master, captain or conductor in charge of any boat, vessel, railroad car, or public conveyance shall knowingly bring into this city any person diseased with cholera, small-pox, ship fever or contagious or infectious disease whatever; and no vessel, boat, car or public conveyance, at any time covered by the said proclamation, shall pass by any quarantine, station or place without stopping, nor shall leave the same without the permit aforesaid, and no person stopping in said quarantine, or so as aforesaid received therein, shall leave the same without first obtaining permission as aforesaid; nor shall any person aid or abet any master, conductor or person in charge of any boat, vessel, car or public conveyance, in violating, neglecting or evading any provision or requirement of this chapter; nor shall any person interfere with, resist or refuse to obey the orders of any physician, health officer, policeman or other person in authority at any quarantine, station or place of quarantine so as aforesaid established; nor do any act or thing in violation of or in disobedience to any of the provisions, clauses or sections of this chapter; nor shall commit any breach of the peace, nor do any act calculated in any way to defeat or interfere with the provisions or requirements of this chapter, or of any regulations of the said department, physician or officer in charge of any quarantine.

SEC. 29. The moneys appropriated to the department of health by the city council shall be faithfully applied by the said department to the true objects and purposes of its appropriations, and the said department shall make reports of all bills authorized by them to the city council, which bills shall be passed upon the same as other claims against the city.

SEC. 30. It shall be the duty of the commissioner of health to inspect any part of the city and its environs, which from its location, or from any collateral circumstances, may be deemed the cause of disease; and in all cases where he may discover any agent the existence of which will prove dangerous to the health of the city, and there is no ordinance competent to the correction of the evil, he shall immediately report the same to the department of health, accompanied with his opinion of the necessity of extraordinary or particular action.

SEC. 31. The department of health, by and with the approval of the city council, may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and with the approval of the city council, may erect from time to time, such buildings and hospitals, upon such sites and places, and so keep the same in repair, as in their judgment shall be deemed necessary.

SEC. 32. It shall be the duty of the department of health to provide the necessary books for keeping a record of all transactions of said department, including the proper registration of births and deaths, and such other statistical information necessary for efficient working of said department, and also keep on hand all necessary blanks to be used by physicians and midwives, and furnish them with the same on application.

SEC. 33. Said department of health shall always have on hand as

far as practicable, a sufficient quantity of vaccine virus, and they shall provide to physicians who will vaccinate without charge, all persons who may apply to them for that purpose, and shall give certificates of vaccination to children who have been vaccinated and require such certificates to admission to the public schools.

SEC. 34. Any master of a vessel, conductor, captain or any person whosoever, who shall violate any clause, provision, requirement, duty or regulation of this act or any rule or regulation of the said department of health or commissioner of health, or employe, in the discharge of their duty, or in charge of any quarantine, or any person whosoever, who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with or in any manner resist any officer or agent of the department of health of the city of Minneapolis, in the discharge of his duty, as herein contemplated, or who shall commit any such breach of peace or be guilty of any act or thing calculated to defeat or interfere with the carrying into effect any part of this act, or any regulation or order of said department of health or ordinance of said city in relation to the public health shall, upon arrest and conviction by the municipal court of the city of Minneapolis, or the district court of the county of Hennepin, be subject to a fine not to exceed one hundred dollars (\$100) nor less than ten dollars (\$10) for each offense, together with costs of prosecution.

SEC. 35. It shall be the duty of the city attorney of the city of Minneapolis, to act promptly in all suits or proceedings of any violation of this act, and in all proceedings approved or prompted by said department of health, or their employes, and to bring the same to a speedy hearing or termination, and in case of the obtaining of a judgment, to direct execution therein without delay.

SEC. 36. Said department of health may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing in the city of Minneapolis, or adjacent waters, regarded by said department as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved, and may also order any substance, matter or things, being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be is private or public) and which said department may regard dangerous or detrimental to life or health, to be speedily removed, and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said department, is already provided.

SEC. 37. It shall be the duty of the said department of health to aid in the enforcement of, and, as far as practicable, to enforce all laws of this state applicable within the limits of the city of Minneapolis, to the preservation of human life or to the care, promotion or protection of health; and said department may exercise the authority given by the laws aforesaid, to enable them to discharge the duties herein imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or foods. And said department is authorized to require reports and information at such

times and of such facts, and generally of such nature and extent relating to the safety of life and the promotion of health, as its by-laws and rules may provide, from all dispensaries, hospitals, asylums, infirmaries, prisons and schools and from the managers, principals and officers thereof; and from all other institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theatres and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons so called on or referred to promptly to give such reports, verbally or in writing, as may be required by said department.

SEC. 38. That it shall be the duty of all coroners within the said city of Minneapolis, within three (3) days after the taking of any inquest, to file a written statement with the said department of health, signed by the coroner making the same, stating, so far as he is able, where and upon the body of whom such inquest was held, and the cause and date and place of the death of such person.

SEC. 39. That the said department of health is hereby authorized and it shall be its duty to make such rules and recommend such ordinances as to them may seem necessary and proper, for the purpose of compelling all physicians practicing within the limits of the city of Minneapolis, to make reports of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn keepers and hotel keepers, to make report of all cases of contagious diseases occurring within their respective houses, and generally to make such regulations and rules as to them may be deemed necessary for the carrying into effect the objects of this section of obliging reports of contagious diseases to be made to said department of health by all persons becoming cognizant of the same.

SEC. 40. And the said department of health is hereby authorized and it shall be its duty to make rules or recommend ordinances regulating the interment and removal of dead bodies, their entry into, removal from and passage through the said city of Minneapolis, and no body shall be buried or exhumed within the limits of the said city of Minneapolis, removed therefrom or received therein, to pass through the said city without a written permit first obtained from the said department of health, and to be issued in the manner and under the conditions by them prescribed, and the said department of health shall make all rules and regulations necessary for carrying out the objects of this section.

SEC. 41. That the jurisdiction of the city of Minneapolis shall extend to, and prevail over all cemeteries under the control or organizations established in said city and it shall be the duty of the department of health to make such rules and regulations as may be deemed necessary regarding the reception and interment of dead bodies within the same and prescribe the duties of all sextons and keepers of such cemeteries relative to the reception and burial of dead bodies.

SEC. 42. Copies of the proceedings of said department, of its rules, regulations, by-laws, books and papers, constituting part of its archives, when authenticated by the department of health, shall be presumptive evidence, and the authentication to be taken as presumptively correct in any court of justice or judicial proceedings,

when they may be relevant to the point or matter in controversy of the facts, statements and recitals therein contained, and the action, proceedings, authority and orders of the said department of health shall, at all times, be regarded as in their nature judicial and be treated as *prima facie* just and legal.

SEC. 43. The jurisdiction of the department of health of the city of Minneapolis shall extend over all lakes and water courses of the county of Hennepin, to the same extent as within the limits of said city.

SEC. 44. Said commissioner of health shall annually, on or before the first (1st) day of January, present to the mayor and city council, a thorough and comprehensive statement of all matters pertaining to said department during the year, and of all expenditures from the appropriations for the health department, together with a statement in detail of the appropriations required by the department during the next municipal year.

SEC. 45. It shall be the duty of all employes in said department of health to obey and carry out all orders and directions of the department of health, and perform such duties as may be imposed upon them by said department.

SEC. 46. The city attorney of the city of Minneapolis, or his assistants by his directions, shall be the legal adviser of the commissioner and department of health, in all matters incident to their office. The said attorney or assistants, shall render and perform all legal service pertaining to the department of health, and where requested, shall furnish written opinions upon all legal questions pertaining to said department.

SEC. 47. It shall be the duty of the chief of police to cause to be executed all orders of the department of health, so far as they may relate to the preservation of the health of the city, or whenever requested to do so by the department of health.

SEC. 48. It shall be the duty of every street commissioner and policeman of the city of Minneapolis to promptly report at the office of the department of health any violation of the rules of the health department of the city of Minneapolis, Minnesota, that may become known to him while on duty.

SEC. 49. All acts applying to the term of office and salary of health officer, and any and all acts or parts of acts and amendments thereto now in force, excepting such acts as may have been passed at this session of the legislature relating to and creating a board of health, health officer, health inspector, secretary of the board of health, or in any manner pertaining to public health or sanitation, and all general or special laws in conflict herewith, be and the same are hereby repealed.

SEC. 50. This act shall take effect and be in force from and after its passage.

Approved April 22, 1889.