

CHAPTER 9 HEALTH AND SANITATION

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§ 9-1 Mayor - May Establish Quarantine

The mayor, when so instructed by the city council, must establish and put in force a quarantine against such places and persons, as the city council may deem necessary, to prevent the importation or spread of any contagious or infectious diseases, and may establish a quarantine on recommendation of the county health officer, or whenever, in his judgment, it is necessary for the welfare of the city, and shall have power and authority to employ the necessary officers and agents for the efficient enforcement of the quarantine. (Code of Fayette, 1919, § 205; for similar state law as to health and quarantine generally, see: Code of Alabama, tit. 22, §§ 141-173; for authority of city to adopt quarantine rules and regulations, see: Code of Alabama, tit. 37, § 492.)

§ 9-2 Publishing Proclamation of Quarantine

Whenever any quarantine is established, the mayor shall, as soon as practicable, publish a proclamation of the fact by posting said proclamation in at least three (3) public places within the corporate limits of the City of Fayette, Alabama, one of which places shall be at the post office, stating briefly therein the extent of the quarantine and the penalties for violating the same, but the time of putting said quarantine in force shall not depend on publication of the proclamation, but the quarantine may be enforced before such proclamation.

(Code of Fayette, 1919, § 206.)

§ 9-3 Penalty for Violation

Any person, having notice that a quarantine has been established though the same has not been published, who enters or comes within the city, or within three (3) miles thereof, or brings any matter or things in such limits, in violation of such quarantine, or who, after the proclamation of such quarantine, comes within the city or within three (3) miles thereof, or brings anything within such limits, in violation of the terms of the quarantine must, on conviction, be fined not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars, and may also be imprisoned or sentenced to hard labor upon the streets of the City of Fayette, Alabama, for not more than six (6) months and, if in the opinion of the court trying the case, there is danger of infection or contagion for keeping the person convicted of violating the quarantine in the city limits, the court may order such person detained in quarantine until such danger has passed, and may direct the execution of the sentence.

(Code of Fayette, 1919, § 207.)

§ 9-4 Residence and Places Visited to be Furnished Upon Questioning

When any quarantine has been established, under the provisions of this article, it shall be the duty of every person to make true answers to all questions put to him by any officer of the board of health, policeman or quarantine agent of the City of Fayette, Alabama, as to the residence of such person and as to all places which such person has visited or passed through within thirty (30) days next preceding the time such person is questioned.

Any person, refusing to answer such questions put to him or making untrue answer to such questions, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, and may also be imprisoned in the city prison or sentenced to hard labor upon the streets of the City of Fayette, Alabama, for not more than sixty (60) days.

(Code of Fayette, 1919, § 208.)

§ 9-5 Answers May be Under Oath

It shall be the duty of every person, when questioned by any officer of the board of health, policeman or quarantine agent of the City of Fayette, Alabama, as provided in the foregoing section, to make oath or affirmation and subscribe in writing to the truth of his or her answers thereto, when required by such officer, policeman or quarantine agent of the City of Fayette, Alabama, and on refusal to do so, shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, and may also be forbidden to enter or remain within the police limits of the city or be imprisoned in the city prison or sentenced to hard labor on the streets of the City if Fayette, Alabama, for not more than sixty (60) days.

(Code of Fayette, 1919, § 209.)

§ 9-6 Who May Question and Administer Oaths

The mayor, chief of police and all policemen and quarantine agents of the City of Fayette, Alabama, or any member of the county board of health, shall have authority to put the questions and administer the oaths provided for in the next preceding section.

(Code of Fayette, 1919, § 210.)

§ 9-7 Importing Forbidden Matter

In the enforcement of the quarantine and for the prevention of the importation of persons or things likely to endanger the public health, or to bring or spread contagious or infectious diseases, the mayor shall have power and authority to prevent the bringing into the city, or within three (3) miles thereof, freight, vehicles, cars or any other matter or thing from any infected district, and any person, bringing or aiding in bringing such forbidden matter or thing shall, on conviction, be deemed guilty of a misdemeanor and fined not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars. (Code of Fayette, 1919, § 211; for transportation in violation of quarantine laws, see: Code of Alabama, tit. 22, § 156.)

§ 9-8 Infectious Disease to be Reported

No person, known to have any infectious or contagious disease, shall come into the City of Fayette, Alabama, or be in said city with any such disease or shall fail to report at once to the county health officer of Fayette County.

(Code of Fayette, 1919, § 212.)

§ 9-9 Authority of County Board of Health

The county board of health shall have power and authority to remove any officer whom they appoint or elect, and to fill vacancies caused by removal or otherwise.

(Code of Fayette, 1919, § 213.)

§ 9-10 Authority of Council

The city council shall fix the salaries of all officers appointed or elected by the county board of health, and provide for expenditures as they see fit, and all questions relating to salaries, appropriations and expenditures and the administration of sanitary regulations by the board of health shall be reserved to the city council, and the city shall not be liable, on any account, until the same has been duly allowed by the mayor and aldermen in open council.

(Code of Fayette, 1919, § 214.)

§ 9-11 Penalty for Violation

Any person, violating any of the provisions of this article, or any health ordinance shall, upon conviction, be fined not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars, and may be imprisoned in the city prison or sentenced to hard labor on the streets of the City of Fayette, Alabama, for not longer than thirty (30) days, unless the punishment is otherwise provided.

(Code of Fayette, 1919, § 215.)

§ 9-12 (RESERVED)

ARTICLE II - HEALTH NUISANCES

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§ 9-13 Premises to be Kept Clean

All persons, occupying or owning property within the corporate limits of the city, shall keep all premises owned or occupied by them in a clean and sanitary condition; keep all cellars and outhouses well ventilated and cleaned, and all such premises free from all filth and water that would be offensive or liable to create diseases. Any person, failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 365.)

§ 9-14 Removal of Stagnant Water

Any person, who causes or occasions any pool of stagnant water within the corporate limits of the city, and who fails to remove the same within twenty-four (24) hours after notice from the mayor or chief of police of the city, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 368.)

§ 9-15 Cellars, Cisterns and Wells to be Kept Clean

Any owner or occupant of any lot within the city, on which there is a cellar, cistern, or well not in use, containing or liable to contain stagnant water, or other filth, who fails or refuses, after notice from the mayor, or chief of police, or any policeman, to cause said cellar, cistern or well to be filled or cleaned within three (3) days after such notice, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 369.)

§ 9-16 Stables, Cow Lots, Hog Pens, Chicken Coops to be Kept Clean

It shall be the duty of every person owning, using, or having in his possession, or under his control, any stable, hog pen, cow lot, chicken coop or place of like character, within the corporate limits of the city, to keep the same in a clean and sanitary condition, and well drained.

Any person, failing to comply with the provisions of this section, or who permits any stable, hog pen, cow lot, chicken coop or place of like character, to remain uncleaned, after the same shall have become offensive to any person within the city, or who fails to clean up such place or places, within twenty-four (24) hours after notice from the mayor or chief of police to do so, shall be guilty of a misdemeanor, and, upon conviction therefor shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 371.)

§ 9-17 Need for Disinfectant

It shall be the duty of every occupant of any land or building of any character within the city at all times to keep such an amount of lime or other disinfectant on or about such premises as may be necessary to keep such premises in a clean and sanitary condition.

Any person, failing to use lime or other disinfectant on any such premises, after twenty-four (24) hours notice from the mayor or chief of police to do so, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 372.)

§ 9-18 Waste Material on Premises

It shall be the duty of every owner or occupant of any land or building within the corporate limits of the city, of any kind, character or description, at all times to keep such premises free from tin cans, boxes and other waste substance of like kind; provided, however, that such tin cans, boxes, etc., may be kept by such owner or occupant in a box or barrel suitable for holding the same in his house for a reasonable length of time; whereupon, it shall be the duty of such owner or occupant to burn or remove, outside the corporate limits of the city, all such tin cans, boxes and waste substance of like character.

It shall be unlawful for any person to place any such tin cans, boxes, etc., in or upon any street or sidewalk of the city. Any person, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars; provided further, that on such failure of such owner or occupant to so burn or remove such waste substance, the mayor shall order the same to be removed immediately at the expense of occupant or owner, to be taxed as costs in the cause.

(Code of Fayette, 1919, § 373.)

§ 9-19 Disposal of Waste Substances

It shall be unlawful for any person, in anywise, to place any melon rind, or other waste substance of like kind, character or description, upon any street, sidewalk or other public place within the city, or upon any private property not his own.

Any person, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 374.)

§ 9-20 Other Nuisances

It shall be the duty of every person to, at all times, keep his or her premises clean and free from all filth, waste papers and all other refuse substances, and all matter that might be offensive or calculated to produce disease.

Any person failing to remove any such waste substance, within twenty-four (24) hours after notice from the mayor or chief of police or any policeman of the city, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars; provided further, that on the failure of any person to remove such nuisance, the mayor shall order the same to be removed at the expense of such person, such expenses to be taxed as costs in the cause.

(Code of Fayette, 1919, § 375.)

§ 9-21 Failure to Execute Orders of Health Officer; Penalty

Any person, failing to execute any order of the county health officer or sanitary inspector, or obstructing either of them in the discharge of their duty, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one (\$1.00) dollar, and not more than fifty (\$50.00) dollars.

(Code of Fayette, 1919, § 376.)

ARTICLE III - MEAT AND MILK REGULATIONS

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§ 9-22 Definitions

The terms used herein shall have the meanings ascribed as follows:

- a. The term "animal," hereinafter used, shall refer to and include only cattle, sheep, goats and swine.
- b. The term "inspector," hereinafter used, shall refer to the meat inspector appointed by the City of Fayette, Alabama.
- c. The term "meat," hereinafter used, shall refer to and include the carcasses or any part of the carcass of the above named animals and the food products from any and all portions of them; provided, however, that said term shall not be deemed to include properly cured or properly dried meat.

(Ord. of Mar. 3, 1947, § 1.)

§ 9-23 Sale of Meat

No animal, nor any portion thereof, shall be sold or offered for sale for human consumption in the City of Fayette or its police jurisdiction, without having first been inspected, approved and stamped, in accordance with the provisions of this article; provided, that nothing herein shall be held to prohibit the sale of meats which have passed inspection at other places, in accordance with United States Department of Agriculture regulations governing meat inspection.

(Ord. of Mar. 3, 1947, § 2.)

§ 9-24 City Meat Inspector - Duties; Fees

A city meat inspector shall be appointed by the city council of Fayette, Alabama, said inspector to be a graduate veterinarian holding a license for the practice of veterinary medicine in the State of Alabama. He shall hold office at the pleasure of the city council and may be discharged upon a majority vote of the city council.

The inspector shall receive fees as hereinafter provided for and such fees shall constitute his entire remuneration for the performance of his duties as such inspector.

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(Ord. of Mar. 3, 1947, § 3.)

§ 9-25 State Board of Health Regulations Governing Milk Adopted; Exception

The State Board of Health regulations governing the production, handling, distribution and sale of milk and certain milk products, adopted April 17, 1952, a certified copy of which shall be on file in the office of the city clerk, is hereby adopted as an ordinance of the City of Fayette, Alabama, save and except as to such part of such regulations as may refer to buttermilk only.

(Ord. of Feb. 2, 1953; for state laws on handling of milk, see: Code of Alabama, tit. 22, § 230 et. seq.)

§ 9-26 County Health Officer to Enforce Regulations

The health officer of Fayette County, Alabama, be and he is hereby requested to enforce in the City of Fayette and its police jurisdiction, the said regulations.

(Ord. of Feb. 2, 1953, § 3.)