

8-01-06. Abatement and Removal of Nuisance, Source of Filth and Cause of Sickness;
Right of Entry; Search Warrant.

1. If necessary for the protection of public health to abate or remove any nuisance, source of filth, or cause of sickness, the health officer shall serve a notice and order on the owner or occupant of the property requiring the owner or occupant, at the owner's or occupant's expense, to remove or abate the nuisance, source of filth, or cause of sickness within a time specified by the health officer, not exceeding thirty days. If the owner or occupant fails to comply with the notice and order to remove or abate or if the nuisance, source of filth, or cause of sickness exists on property of a nonresident owner or on property the owner of which cannot be found, the health officer may remove or destroy the nuisance, source of filth, or cause of sickness at the expense of the city, which shall charge the expense against the lot, piece or parcel of land on which the work is done.

2. The governing body of the city may levy and assess against the property the cost of the removal or destruction of a nuisance, source of filth, or cause of sickness, in the manner provided under NDCC Chapter 40-22. Each assessment must be recorded, collected, and paid as other taxes are recorded, collected and paid.

3. If the health officer determines that it is necessary for the preservation of public health to enter any building or property within the board of health's jurisdiction to examine, destroy, remove, or prevent any nuisance, source of filth, or cause of sickness and is refused entrance into the building or property, the health officer or a designated agent, may apply for a search warrant under oath to a district judge within the jurisdiction of the board of health stating the facts in the case which the health officer has knowledge. If a warrant is issued and if requested by the health officer, the police department shall provide assistance to the health officer in any action to search or seize material in or on any private property, to destroy, remove, or prevent the nuisance, source of filth or cause of sickness if there is probable cause to believe a public health hazard or public health nuisance exists on or in that property, and shall carry out any preventive measures the health officer requests.

*Reference: N.D.C.C. Ch. 23-35-09
(Ord. 5660, 05-13-08)*