

CHAPTER XII HEALTH AND SANITATION

The purpose of this chapter is to regulate the construction and use of water supply and waste disposal facilities, licensing of business establishments, sanitation at community gatherings, to establish fees, and to provide for the enforcement of this chapter and penalties for violations of the provisions of this chapter.

Section 1

Definitions

For the purpose of this chapter, the following words and phrases shall have the meaning as set forth in this section.

- (1) Campground - Any tract of land used by ten or more persons for temporary living or associate activities.
- (2) Communicable Disease - An illness due to a specific infectious agent or its products arising through transmission of that agent or its products.
- (3) Contamination - The presence of an infectious agent on a body surface, or on or in an inanimate article or substance.
- (4) Dwelling Unit - A room or group of rooms located within a building, which are used or intended to be used for living, sleeping, cooking, and eating.
- (5) Excrement - All wastes discharged from the human body.
- (6) Food Service Establishment - Any fixed or mobile establishment in which food or drink is prepared or provided for the public, with or without charge.
- (7) Food Service Establishment Employee - An individual working in a food service establishment.
- (8) Garbage - Decomposable animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
- (9) Health Advisor - Fort Hall Service Unit Director or his duly appointed representative. In the event of the inactivation of the United States Public Health Service Unit, the Health Advisor shall be the Health Officer, or his duly appointed representative, of the respective county in which the public health activity takes place.
- (10) Infectious Agent - Any organism capable of causing disease in man or animal.

- (11) Liquid Waste - All wastes containing excrement, food particles or other decomposable material and transported in a liquid.
- (12) Nuisance - Any condition which may in any way prejudice health, safety or the general well-being of the public.
- (13) Person - Any individual, firm, corporation, partnership, corporate group or association residing or conducting business within the boundaries of the Fort Hall Reservation.
- (14) Potentially Hazardous Food - Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting infectious agents.
- (15) Property Occupant - Any person who resides or otherwise uses or occupies a parcel of land.
- (16) Property Owner - Any person legally responsible for a portion or parcel of land.
- (17) Public Gathering - Any planned activity involving the attendance of ten or more persons for a period of four or more hours. Activities covered by this definition shall include, but are not limited to, the following: fairs, bazaars, carnivals, celebrations, rodeos, races, picnics, socials, dedications, ceremonies, and group camping activities. Activities not covered by this definition shall include Tribal Council meetings and funerals.
- (18) Rubbish - Nondecomposable solid wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, metal, and other similar materials except ashes.
- (19) Sanitize - Effective treatment of clean surfaces of equipment and utensils by a process effective in destroying micro-organisms, including infectious agents.
- (20) Tribal Court - Authorized Tribal Court of the Shoshone Bannock Tribes.
- (21) Tribal Council - Authorized tribal governing body or its official representative.
- (22) Utensils - All multi-use utensils used for eating or drinking, or in the preparation, storage, conveying and serving of food.

Section 2 Domestic Water Supplies and Waste Disposal Facilities

Section 2.1 Domestic Water Supplies

Section 2.1.1 Unprotected Sources Prohibited

It shall be a violation of this chapter for any person to construct, operate, or maintain a domestic water source on the Fort Hall Reservation which is not adequately protected against contamination, so as to prevent such water sources from becoming a health hazard.

Section 2.1.2 Permit for Construction Required

It shall be a violation of this chapter for any person to construct, alter, or extend water supply or liquid waste disposal systems on the Fort Hall Reservation unless he holds a valid permit issued by the Tribal Council for the specific construction, alteration, or extension proposed.

Section 2.1.3 Application

All applications for permits for construction shall be made to the Tribal Business Council, who shall issue the permit in the applicant's name when (a) the application is accompanied by the permit fee prescribed in Section 11.1 of this chapter, and (b) after reviewing the recommendation of the Health Advisor.

Section 2.1.4 Application Contents

Applications for permits shall be in writing, shall be signed by the applicant, and shall include the following:

- (1) Name and address of the applicant.
- (2) Location of the proposed construction.
- (3) A plan of the proposed water facility with substantiating information, if requested by the Tribal Business Council or the Health Advisor.
- (4) Location of the nearest distribution line of the community water supply system.
- (5) Such further information as may be required by the Health Advisor to substantiate that the proposed construction, alteration, or extension complies with the provisions of this chapter and current State of Idaho and Public Health Service standards.

Section 2.1.5 Plan Required

When a plan is required as provided for in Section 2.1.4(5) above, it shall include:

- (1) The number, location, and size of all water supply systems, or connections to the water distribution lines to be constructed, altered or extended.

- (2) The location of water supplies, water supply piping, existing waste disposal facilities, buildings, or dwellings or other potential sources of water pollution and adjacent property lines.
- (3) Plans of the proposed water supply facilities to be constructed, altered, extended, or connected.

Section 2.1.6

Grounds for Permit Refusal

The Tribal Business Council shall refuse to grant a permit for the constructions of an individual water supply system (a) where adequate community water system distribution lines are located within 100 feet of the premises to be served by the proposed water supply system, and (b) in those instances where the Tribal Business Council upholds the Health Advisor's recommendation against such installation.

Section 2.1.7

Connections to Community Water System

No person shall make a connection to the community water system unless such person has first obtained permission from the proper authority and paid the fee provided for such connection.

Section 2.1.8

Specifically Prohibited Installations

No person shall install or maintain plumbing, fixtures, devices or equipment on any premises which will provide a cross connection between any water distribution system for drinking and any other water supply or drainage system or waste pipe so as to permit or make possible the direct passage of water, or sewage or waste into such a water system.

Section 3

Liquid and Human Excrement Disposal Facilities

Section 3.1

Occupancy of Buildings Without Sanitation Facilities Prohibited

No person shall occupy or use any building as a dwelling unit or as a food service establishment which does not have facilities for the sanitary disposal of liquid wastes. All liquid wastes shall be discharged into a septic tank system and/or a deepage pit or field drainage system that complies with the constructions provisions of this chapter or into a community sewerage system. Liquid wastes shall not be discharged to the ground surface or to surface waters, or to any other place so as to create a nuisance.

Section 3.2

Responsibility for Use of Facilities

Occupants of a dwelling unit shall keep all plumbing fixtures made available for their use in a clean and sanitary condition, and shall be responsible for reasonable care in their proper use and operation, and for his own misuse of such facilities which are made available for common use with other occupants of the dwelling unit.

Section 3.3

Septic Tank Requirements

Septic Tanks constructed or installed after the effective date of this chapter shall adhere to the current State of Idaho and United States Public Health Service standards which are on file with the Tribal Business Council.

Drainfields for septic tanks shall be designed on the basis of the absorption capacity of the soil. Such capacity shall be determined on the basis of percolation tests, and in accordance with current State of Idaho and Public Health Service recommendations which are on file with the Tribal Business Council.

Section 3.4

Seepage Pit Requirements

When seepage pits are used their size shall be determined by percolation tests and in accordance with current State of Idaho and Public Health Service requirements.

Section 3.5

Privy Requirements

All privies shall be constructed and maintained in a sanitary condition.

Section 3.6

Disposal Requirements for Slop Buckets

The contents of slop buckets, night pots, and similar type containers shall be disposed of by emptying the contents into a community sewerage system, household septic tank system, or by burial of the contents so that there is at least 18 inches of tightly compacted earth over the waste material.

Section 3.7

Disposal of Materials from Privy Vaults

Materials removed from any privy vault or individual sewage disposal system shall be disposed of by burial or by other means as approved by the Tribal Business Council.

Section 3.8

Location of Waste Disposal Facilities

No sewer, septic tank leaching system, seepage pit, or privy shall be constructed within 100 feet of the high water mark of any lake, reservoir, watercourse, or domestic water supply, nor within 10 feet of any property line, nor shall any waste disposal facility extend or discharge into any underground water-bearing formation.

Section 4

Garbage and Rubbish Disposal

Section 4.1

Storing of Garbage and Rubbish

No person shall place any garbage or rubbish on any street, road, or public place or on any tribal or private property, whether owned by such person or not, on the Fort Hall Indian Reservation, unless it is stored in metal cans with tight fitting covers, nor shall any person throw or deposit any garbage or rubbish in any stream or other body of water on the Fort Hall Indian Reservation.

- Section 4.2 Unauthorized Accumulation
Any unauthorized accumulation of garbage or rubbish on any premise is hereby declared to be a nuisance and is prohibited. Failure to remove existing accumulations of garbage or refuse within thirty days after the effective date of this chapter shall be a violation of this chapter.
- Section 4.3 Garbage or Rubbish Containers
Garbage or rubbish containers shall be provided by the owner, tenant, lessee, or occupant of the premise. Such containers shall be of watertight metal constructions with tight fitting covers, maintained in good condition.
- Section 4.4 Frequency of Disposal
Garbage and rubbish accumulated at any dwelling unit, business or establishment or other premise shall be disposed of at least once a week by (a) hauling to and dumping in areas designated by the Tribal Business Council for such purpose, or (b) by placing into pits with fly-tight covers.
- Section 4.5 Burning of Rubbish
The burning of paper, cardboard, rags and other combustibles is not permitted unless specific permission is granted by the Tribal Business Council.
- Section 4.6 Closing of Garbage and Rubbish Pits
Whenever the contents of any garbage and/or rubbish pit reach a height in the pit within 18 inches of the ground surface, it shall be filled with tightly compacted earth.
- Section 5 Maintenance of Livestock, Fowl and Other Animals
It shall be a violation of this chapter to keep livestock, fowl or other animals on tribal or private property in any manner which creates a nuisance.
- Section 6 Licensing of Business Establishments
- Section 6.1 License to Operate Required
It shall be a violation of this chapter for any food service establishment, meat market, grocery store, motel, or other business establishment which caters to the public, to operate on tribal or allotted land on the Fort Hall Reservation, unless the owner or operator of such business establishment, has a valid "License to Operate a Business Establishment" issued by the Tribal Business Council. This subsection shall not be effective until 30 days after the effective date of this chapter.

Section 6.2

Application for License to Operate a Business Establishment - Application for a license to operate a business establishment shall be submitted to the Treasurer of the Tribal Business Council, and shall set forth the name, location and nature of the existing or proposed business establishment, type of business to be conducted, and any other pertinent information which may be requested by the Business Council relative to the operation of the business establishment. Applications shall be accompanied by the license fee set forth in Section 11.3. In those instances where the application is rejected, the license fee will be returned to the applicant.

Section 6.3

Health Advisor's Recommendation

Upon receipt of an application, the Tribal Business Council shall refer the application to the Health Advisor for the purpose of making an inspection of the existing or proposed business establishment to determine whether the site, facilities, equipment, practices and procedures will adequately protect the health of the public. The Business Council shall further request the Advisor to furnish the Council with recommendations as to the applicant's conformance with the requirements of this chapter and current State of Idaho and Public Health Service recommended standards for the type of establishment involved. Copies of such standards shall be kept by the Administrative Secretary and shall be available for inspection upon request.

Section 6.4

Terms of License

Retention of a license to operate a business establishment shall be dependent upon the licensee's operating in a clean and sanitary manner so as to conform to the applicable recommended standards set forth in Section 6.3 above. The licensee shall admit the Health Advisor to all parts of the establishment covered by the license at any reasonable time without prior notice. The Business Council shall determine whether the business establishment is being operated in a clean and sanitary manner after reviewing the recommendations from the Health Advisor. Failure of the licensee to comply with the provisions of the Health and Sanitation Chapter of this Code or the terms of the license shall be cause for the suspension or revocation of the license by the Business Council. Operation without a current license shall be a violation of this Chapter and subject to penalties set forth herein.

Section 7

Public Gatherings

Section 7.1

Permit Required

No person shall sponsor a public gathering on either tribal or private property unless such person has first obtained a permit from the Tribal Business Council at least five (5) days prior to the public gathering.

Section 7.2

Application Permit

Applications for permit shall be made in writing to the Tribal Business Council and shall set forth the following information: The name and address of the persons sponsoring the public gathering; the dates and time thereof; the maximum anticipated attendance; the general nature of the gathering; the location; a detailed description of the grounds and building, if any, to be utilized, including sanitation facilities; and a statement as to whether food or beverage is to be offered for public consumption.

Section 7.3

Issuance of Permits

The Tribal Business Council shall review all applications and shall issue a permit when there is reasonable certainty that the applicant will be able to comply with the provisions of this section. The Council shall advise the Health Advisor of all such applications when received and ask for an appraisal of the suitability of the site and sanitation facilities to be used in connection with the public gathering. A copy of all permits issued shall be delivered to the Health Advisor and the Chief of the Tribal Police on the first working day following their issuance.

Section 8

Sanitation Facilities Required

It shall be a violation of this chapter for any person to conduct a public gathering unless the following sanitation facilities are available within a reasonable distance of the area used for those attending the gathering:

Section 8.1

Safe water supply having ample water to meet the requirements of the maximum number of persons attending the gathering. When water must be transported by the sponsor or others to satisfy this requirement, it shall be transported, stored, and dispensed in a manner that protects it from contamination. Drinking water shall be available to all persons attending the gathering, and shall be dispensed in a sanitary manner. The use of common drinking utensils is prohibited.

Section 8.2

Water flushed toilets or privies maintained in a clean and sanitary condition. The location and construction of such facilities shall comply with Section 3.1 of this Chapter. Separate toilet facilities for men and woman shall be provided in adequate number to accommodate the number of persons attending. If privies are used, there should be one seat for each 150 people. If water type toilets are available, the minimum requirement should be one toilet for each 150 females and one toilet and one urinal for each 300 males. If chemical toilets are used, such containers shall be emptied at least once per day, or more often if necessary. Contents shall be disposed of in accordance with Sections 3.6 and 3.7 of this chapter.

Section 8.2

(cont.)

The person who sponsors a public gathering shall leave the grounds or building used in a clean and sanitary condition.

Section 9

Food and Beverage Service

Any owner, operator, or employee of a food service establishment which serves a public gathering shall be in violation of this chapter if such person fails to comply with the following requirements:

Section 9.1

All food and drink served shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. Such food and drink shall be protected from contamination during delivery, storage, preparation, and service.

Section 9.2

Any water supply or liquid waste disposal facility used for a food service establishment shall be constructed and operated in a manner so as not to create a nuisance.

Section 9.3

Food and beverage shall be served only in single service eating and drinking utensils except when the food service establishment has necessary equipment to properly clean and sanitize them in an approved manner. All single-service utensils shall be purchased in sanitary containers and shall be stored in a clean, dry place pending use.

Section 9.4

The surfaces of all multi-use utensils that are used for the preparation, storage, display and serving of food or utensils shall be of easily cleanable construction and shall be thoroughly washed and sanitized after each use. The entire establishment shall be kept neat and clean at all times.

Section 9.5

All potentially hazardous food and drink shall be kept at or below 45° F., except when being prepared or served. The wet or submerged storage of packaged food shall be prohibited, provided that wet storage of pressurized containers of beverages may be permitted when the following conditions are met:

Section 9.5.1

The water in which the pressurized containers are stored contains at least 50 parts per million available chlorine, and

Section 9.5.2

The iced water is changed frequently enough to keep both the water and the containers clean.

Section 9.6

Containers used for the dispensing of bulk beverages shall be fly-tight, dustproof, and constructed of non-toxic material. Beverages dispensed from such containers shall be dispensed through a faucet.

- Section 9.7 No person while afflicted with any communicable disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a food service establishment. All employees shall wear clean outer garments and they shall keep their hands clean. Handwashing facilities, consisting of at least one wash basin, an adequate supply of clean water, soap, and paper towels, shall be provided by the operator of the food service establishment. No food service employee shall resume work after using the toilet without first washing his hands.
- Section 9.7.1 Only persons engaged in the preparation of food shall be permitted in the food preparation area.
- Section 9.7.2 No live animals or fowl shall be allowed in the food storage or preparation area at any time.
- Section 9.8 Garbage and rubbish shall be stored in proper containers (see Section 4.3 of this Chapter) and shall be disposed of without nuisance.
- Section 10 Campground Sanitation
- Section 10.1 No person shall dispose of human excrement on the ground surface in or around any campground.
- Section 10.2 No person shall dispose of dishwater or other liquid wastes on the ground surface in or around any campground.
- Section 10.3 No person shall dispose of garbage or rubbish on the ground surface in or around any campground.
- Section 11 Fees
- Section 11.1 Permits for Construction
The application fee for a construction permit shall be \$5.00 payable to the Treasurer of the Business Council upon submission of the application.
- Section 11.2 Permit to Hold a Public Gathering
There shall be no fee charged for a permit to hold a public gathering.
- Section 11.3 License to Operate a Business Establishment
The fee for a license to operate a business establishment shall be set by the Tribal Business Council and shall be payable to the Treasurer of the Council upon the submission of the prescribed application.

Section 11.4

Disposition of Fees

All permit or license fees collected by the Treasurer of the Business Council shall be deposited in the tribal account for use in defraying the cost of implementing this Chapter.

Section 12

Enforcement and Penalties

Section 12.1

Enforcement

The enforcement of this Chapter and any amendment hereto shall be the responsibility of the Tribal Police and Health Advisor through the Business Council.

Section 12.2

Inspection

Upon securing a Search Warrant from the Tribal Court in accordance with the provisions of Chapter 20 of this Code, the Tribal Police or Health Advisor shall be permitted access to the premises of business establishments for the purpose of determining compliance with this Chapter.

Section 12.3

Penalties

Any Indian who violates any provision of this Chapter or any order issued by the Shoshone Bannock Tribal Court pursuant hereto shall, upon conviction in said Court, be sentenced to jail for a period not to exceed 90 days or fined not more than \$300 and costs, or both. Each day's failure to comply shall constitute a separate violation.

Section 12.4

Suspension and Revocation of License

The Shoshone Bannock Tribal Court or Tribal Business Council are hereby authorized to suspend and revoke the license of any business establishment found to be operating in violation of the provisions of this Chapter or the terms of its license to operate. Provided, that the licensee shall first have been given a hearing on the matter after reasonable notice; and provided further, that a reasonable opportunity has been given to the licensee to take any corrective action necessary to bring the operation of the business establishment into compliance with this Chapter or the terms of its license.

Section 12.5

Effect of Partial Invalidity

If any section of this Chapter or part thereof shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter or that Section.

Section 12.6

Effective Date

This chapter shall be effective on or after the approval and adoption of this Law and Order Code by the Business Council of the Fort Hall Indian Reservation. Copies of this chapter shall be on file with the Treasurer of the Tribal Business Council and shall be made available to members of the Tribe or license applicants upon request.