

BILL

No. 71 of 1910 (Second Session).

An Act respecting Public Health.

Enacted by

1910

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Public Health Act*."

INTERPRETATION.

2. When the following expressions or words occur in this Act or in any order, rule or regulation to be made under or contained by this Act, they shall be construed in the manner hereinafter mentioned unless the context otherwise requires:

1. "Provincial Board" shall mean the provincial board of health as constituted and organized under this Act;

2. "Local Board" shall mean and include the local board of health of any city, town, village or municipality;

3. "Provincial Medical Officer of Health" shall mean the provincial medical officer of health appointed under the provisions of this Act;

4. "Medical Officer of Health" shall mean any medical officer of health appointed under the provisions of this Act;

5. "Executive Officer" shall mean and include all persons who are officers appointed by proper and competent authority for the enforcement of the provisions of this Act, or any other law, order or regulation, for the time being in force relating to the public health;

6. "Street" shall mean and include every highway, road, square, lane, mews, court, alley and passage, whether a thoroughfare or not;

7. "Municipality" shall mean municipality as defined by *The Rural Municipality Act*;

8. "House" shall mean any house and shall include schools, factories and other buildings, huts and tents for human habitation, whether such are used permanently or temporarily and whether the same are stationary or movable, and out-houses used for any purpose;

9. "Minister" shall mean the minister of the department administering this Act;

10. "Owner" shall mean the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as an agent or trustee for any other person, or who would so receive the same if such lands or premises were let;

11. "Householder" shall mean the occupant or person in charge of any house or premises, or the person in charge of any unoccupied house or premises, whether as owner, tenant, agent or otherwise howsoever;

12. Where the words "contagious or infectious disease" occur it shall be taken to mean the following diseases, namely: Smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever,

measles, German measles, whooping-cough, mumps, glanders, cholera, erysipelas, anthrax, bubonic plague, rabies, polio myelitis and cerebro-spinal meningitis, together with such other diseases as the Provincial Board of Health may with the approval of the Lieutenant Governor from time to time declare to be contagious or infectious diseases;

13. "Supreme Court" means the Supreme Court of Alberta;

14. "Registered Medical Practitioner" means a medical practitioner duly qualified to practise medicine or surgery in the province.

3. There shall be a board of health in the province to be known as the provincial board of health, consisting of the provincial medical officer of health, the provincial sanitary engineer and the provincial bacteriologist, who shall be appointed by the Lieutenant Governor in Council during pleasure at annual sittings to be appropriated by the Legislature for this purpose, and of two other members to be appointed by the Lieutenant Governor in Council from time to time for a period of one year, retiring members being eligible for reappointment. There shall be a chairman of the board who must be a member thereof and who shall be appointed by a majority of the members present, and who shall hold office for one year, and until his successor shall have been appointed.

4. In the absence of the chairman from any meeting the board shall appoint one of its members present to act as chairman during the meeting, and such acting chairman shall be authorized to perform all duties of the chairman under this Act.

5. The members of the board other than the provincial medical officer of health, the provincial sanitary engineer and the provincial bacteriologist shall be paid such per diem allowances while attending the meetings of the board or in committee thereof as may be determined by the Lieutenant Governor in Council and shall receive their actual travelling and other necessary expenses while employed in the business of the board.

6. The salaries and expenses of the provincial board shall be paid out of such moneys as may from time to time be appropriated by the Legislature for that purpose.

7. The provincial board shall meet three times a year and at such other times and at such places as may be fixed from time to time by the resolution of the board. Three members shall be a quorum for the transaction of business and they shall have power to make and adopt rules regulating the transaction of business and may provide therein for the appointment of committees to whom they may delegate authority and power for the work committed to them.

8. The provincial board of health shall take cognizance of the interests of health and life among the people of the province; they shall especially classify, tabulate and study the vital statistics of the province and shall endeavour to make an intelligent and profitable use of the collected records of death and of sickness among the people; they shall make investigations and inquiries respecting sanitation, the causes of disease and of epidemics; the causes of mortality and the

effects of localities, employments, conditions, habits and other circumstances upon the health of the people; they shall make such suggestions and take such steps as to the prevention and suppression of contagious and infectious diseases as they may deem most effective and proper and as will prevent and limit as far as possible the rise and spread of disease; they shall inquire into the measures which are being taken by the local boards for the limitation of any dangerous contagious or infectious disease or the performance of any duty through powers conferred upon said local boards under this Act or any other Act and, should it appear that no efficient measures are being taken or that the said powers or duties are not being exercised, it shall be the duty of the provincial board, in the interests of the public health, to require the local board to exercise and enforce any of the said powers which, in the opinion of the provincial board, the urgency of the case demands; and in any such case where the local board, after request by the provincial board, neglects or refuses to exercise its power, the provincial board may exercise and enforce at the expense of the city, town, village or municipality any of the powers of local boards which under the circumstances the provincial board may consider necessary, and the said board shall, when it deems necessary, advise officers of the government and local boards of health in regard to the public health and as to the means to be adopted to secure the same, and as to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution, factory or building.

9. The provincial board may, subject to the approval and with the consent of the Lieutenant Governor in Council, make orders, rules and regulations as the said board may deem necessary for the prevention, mitigation, and suppression of disease, and the provincial board may with like consent and approval make orders, rules and regulations as to the following matters and things, the enumeration of which shall not be taken to curtail or limit the general power to make orders, rules and regulations herein contained, and may from time to time subject to approval and consent as aforesaid alter or repeal any such orders, rules or regulations:

1. The management, maintenance, functions, duties and jurisdiction of local boards, medical officers of health and executive officers;
2. The prevention and removal of nuisances;
3. The cleansing, purifying, ventilating, plumbing and disinfecting of houses, factories, churches, schools, public and charitable institutions, buildings and places of assembly, railway stations, carriages and cars, as well as other public conveyances, by the owners and occupiers, or persons having the care and ordering thereof;
4. The inspection of hospitals, jails, orphanages, reformatories, houses, factories, churches, schools, buildings and places of assembly, railway stations, carriages and cars and all other public conveyances;
5. The construction, maintenance, cleansing and disinfection of all drains, sewerage systems and sewers, and systems for sewage disposal, the location, cleansing and disinfection of water closets, cesspools and privies, the location, cleansing, disinfection and closing of wells and the cleansing of streets and yards;

6. The method of carrying on all noxious and offensive trades or businesses, and the summary abatement of any nuisance or any condition injurious to the public health arising therefrom or liable to arise therefrom;

7. The inspection, licensing, method of construction, furnishing, equipping and maintaining, cleansing and disinfecting of all slaughter houses and other places in which animals are killed and their meat prepared for sale or to be used for food, and of all canneries, fish houses, smokehouses and warehouses in which fish are cured, packed or prepared for sale or to be used as food and of all starch factories, dye works or factories in which blood, oil or skins or paraffine, tallow, soap or fertilizers or gas are worked up;

8. The interment or disinterment of the dead, the conduct of funerals, and the transportation of corpses;

9. The isolation or the placing in any hospital or building provided for quarantine or isolation purposes or the isolation or the placing in any other proper place of any person having any infectious or contagious disease or any disease dangerous to the public health, and the disposition of any conveyance or person that has been exposed to a contagious or infectious disease or persons who may be living in unhealthy houses or congested, unhealthy or infected localities;

10. The reporting to a medical officer of health by every medical practitioner of every person under his treatment for any infectious or contagious disease or any disease dangerous to the public health;

11. The vaccination of all children residing within the province;

12. The vaccination of all persons entering or residing in the province not already vaccinated or not sufficiently protected by previous vaccination;

13. The supply and quality of vaccine matter and sera;

14. The prevention of the use of noxious manures and fertilizers dangerous to the public health;

15. The sanitation, inspection, quantitating of all breweries, cheese factories, dairies, cowsheds and stables in connection therewith, and market gardens;

16. The prevention of the pollution, defilement, discoloration or fouling of all lakes, streams, pools, springs or waters, and to ensure their sanitary condition and to regulate the cutting and storing of ice;

17. The imposition, levying and recovery of penalties upon and from any person who shall violate any rules, orders or regulations made hereunder;

18. The taking possession of or acquiring land or buildings for purposes of public health and the suppression and mitigation of disease, and also the taking possession of and acquiring land, buildings, rights-of-way, and easements for the purpose of construction and installation of waterworks, sewage, sewage purification and disposal works and refuse destructors by cities, towns, villages or municipalities;

19. The prevention and suppression of contagious and infectious diseases (communicable to man or animals);

20. The purification of water for domestic or other purposes by any person or body corporate;

21. The inspection, licensing, method of construction, furnishing, acquiring and maintaining, cleansing and disinfection of all dairies and the testing of dairy herds for tuberculosis or any other contagious or infectious disease;

22. Generally all such matters, acts and things as may be necessary for the protection of the public health and for en-

saving the full and complete enforcement of every provision of this Act.

10. All orders and regulations so made shall take effect from the approval thereof by the Lieutenant Governor in Council, and shall be forthwith published in The Alberta Gazette and shall have and be deemed to have the force of law and be so recognized by all courts and shall be sufficiently proved by the production of a copy of The Alberta Gazette containing the same or by a copy purporting to be printed by the Government Printer.

11. The expenses incurred by the provincial board for purposes of public health and the suppression, prevention and mitigation of disease, as well as in connection with any epidemic occurring outside of cities, towns, villages or municipalities shall be defrayed out of any money appropriated by the Legislature for that purpose, and the expenses incurred by the local boards of health in cities, towns, villages or municipalities, or by the medical officers of health or executive officers of said boards in connection with any epidemic or in the execution of or in the superintending of the execution of the provisions of this Act, and the orders and regulations of the provincial board shall be defrayed and provided by the cities, towns, villages or municipalities having jurisdiction over the respective places affected.

12. In the event of any dispute or uncertainty as to the amount payable by any city, town, village or municipality within any other health district, the minister shall from time to time and as often as may be necessary, cause application to be made in a summary way to a judge of the Supreme Court of Alberta in Chambers to adjudge the amount payable by the city, town, village or municipality, and such judge shall have power to adjudge and fix the same and to give all proper and necessary directions for such purposes, and the order adjudging the amount shall have the operation and effect of a judgment of such court against the city, town, village or municipality in favour of His Majesty.

13. When the establishment of a system or the extension of any existing system of waterworks for the purpose of providing a water supply for public consumption is contemplated by any person or body corporate, it shall be the duty of such person or body corporate, whether incorporated by special or private Act of Parliament or otherwise howsoever, to submit to the provincial board the plans and specifications of the proposed system of waterworks and an analysis of the water from the proposed source or sources of supply, verified by affidavit stating that the plans and specifications so submitted are those to be used and followed in the construction of such proposed system, that the particulars set forth in the said analysis are true and that the water analyzed was taken from the proposed source or sources.

(2) It shall not be lawful to construct, establish or operate any such system of waterworks or any extension of an existing system of waterworks as aforesaid, without first obtaining from the provincial board a certificate signed by the chairman certifying that the plans, specifications and analysis so submitted and the proposed source or sources have been considered and approved by the board and that the proposed system or extension may, with safety to the public health, be constructed, carried out and operated.

(3) If in the opinion of the provincial board alterations are necessary in the plans or in the specifications of such proposed

system, it shall not be lawful to construct, establish or operate the proposed system or extension unless and until such alterations have been made in the said plans and specifications.

(4) Where in any locality or place it shall be necessary in order to obtain a supply of water for the consumption and domestic purposes of the persons resident in such locality or place, to enter upon, take possession of or use in common with the owners any flume, ditch, water system or water course, the waters of which are recorded, diverted or used for irrigation, industrial or mining purposes, the provincial board or a member or officer thereof appointed by the board for that purpose, shall, subject to the provisions of *The Irrigation Act*, examine the source of water supply, the flume, ditch, water system or water course aforesaid, the locality or place, and shall report to the Lieutenant Governor in Council the amount of water, estimated as nearly as may be, actually available for the consumption and domestic purposes of the residents of such locality and the means and measures necessary to be adopted in order to secure such amount of water so actually necessary and then upon the Lieutenant Governor in Council may, by order in council, provide for, direct and enforce the doing of all acts and things and the adoption and continuation of all means and measures necessary for the getting and the continued supply of such amount of water so actually necessary as aforesaid.

11. When the construction, alteration or extension of a common sewer or system of public sewerage shall be contemplated by any person or body corporate, such person or body corporate shall submit to the provincial board all plans and specifications in connection with the construction, alteration or extension of such common sewer or system of sewerage and in connection with the purification and disposal of the sewage.

(1) No common sewer or system of sewerage shall be established or continued unless there is maintained in connection therewith a system of sewage purification and disposal which removes and avoids any menace to the public health, and the provincial board may call for, and any person or body corporate shall, when requested, furnish as soon as may be, such information and data in relation to such matters under their control as the provincial board may deem necessary, provided that with regard to systems in operation at the date of the passing of this Act the provincial board may dispense with the requirements thereof for a sufficient time in their opinion to permit of compliance therewith.

(2) It shall not be lawful for any such person or body corporate to construct, alter, extend or operate any common sewer or system of sewerage or sewage purification or disposal without first obtaining from the provincial board a certificate signed by the chairman stating that the proposed construction, alteration or extension may be carried out, and that the constructed or extended common sewer or system of sewerage and sewage purification and disposal may be maintained and operated without injury or danger to the public health.

(3) If in the opinion of the provincial board for the purpose of guarding against injury or danger to the public health, alterations or additions are necessary in any existing or proposed common sewer or system of sewerage or in the plans or specifications for sewage purification and disposal or in both the plans and specifications submitted as aforesaid, it shall not be lawful to construct, establish or operate the existing common sewer or system of sewerage or sewage puri-

location or disposal of the proposed system or extension, unless and until the alterations and additions have been made and adopted.

15. No by-law providing for the raising of money for the construction, alteration, operation or extension of any system of waterworks or system of water purification, common sewer or system of sewerage or sewage purification or disposal shall be submitted to the vote of the electors by the council of any city, town, village or municipality until the certificate has been obtained from the provincial board of health as provided for in the preceding sections 13 and 14, and the preamble of every such by-law shall declare that such certificate has been duly obtained and no debenture shall be valid if issued under any by-law passed in contravention of the provisions of this section.

16. In any system of waterworks or system of water purification, sewerage or sewage purification or disposal, or alteration or extension of the same, approved of by the board as provided for in the three immediately preceding sections and sub-sections, the provincial board shall have power and authority to inspect any such works above referred to, and if it finds that the work is not being carried out in conformity with the plans and specifications approved of by the board, or with *The Public Health Act* or the regulations of the provincial board it may order the discontinuance of such work until such changes as are ordered by it are made to its satisfaction.

17. The provincial medical officer of health shall be the chief medical officer of health for the province, and shall perform such duties and functions as may be assigned to him by the Lieutenant Governor in Council, and generally shall have the direction and supervision of such matters as pertain to public health.

18. Whenever the provincial medical officer of health considers the appointment of a medical officer of health in any district organized under *The Local Improvement Act* temporarily necessary he may with the approval of the Lieutenant Governor in Council make such appointment and the expenses thereof shall be paid by the provincial government.

19. Whenever the provincial medical officer of health considers the appointment of a medical officer of health in any village temporarily necessary, he shall notify the local board of such village in writing to make such appointment, and such board shall bear the expense thereof; in case the said local board after being so notified neglects to make such appointment in compliance with the conditions contained in said notice, the provincial medical officer of health may, with the approval of the Lieutenant Governor in Council, make the appointment and arrange the remuneration of such medical officer of health, which shall be paid by the said local board, and shall be recoverable by such medical officer of health as an ordinary debt.

20. The local board shall advise the provincial medical officer of health within three days after receiving notice to make such appointment that it has complied with such notice and shall give the name of the person so appointed.

21. A medical officer of health who shall be a registered medical practitioner shall be appointed in every city and town after its organization and should the council fail to make such

appointment, the provincial medical officer of health may, with the approval of the Lieutenant Governor in Council, make said appointment and arrange the remuneration of such medical officer of health which shall be paid by the council, and shall be recoverable by such medical officer of health as an ordinary debt.

22. Whenever any medical officer of health in a city or town becomes temporarily or permanently incapable of performing his duties, or resigns his office or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical officer of health in his place.

23. For the efficient carrying out of the provisions of this Act and the regulations of the provincial board, the Lieutenant Governor in Council may appoint three or more provincial medical inspectors of health who shall be registered medical practitioners, at fixed salaries for such services, who shall have jurisdiction within the province. They shall give their whole time and services to the performance of the duties as prescribed for them from time to time by the provincial board, and shall reside at such places in the province as the provincial board may direct, and shall qualify themselves specially from time to time in the various departments of their work to the satisfaction of the provincial board when requested.

24. In case the provincial board reports to the Lieutenant Governor in Council that on account of the presence in any health district of any epidemic or contagious disease it would be dangerous to hold an election in such health district, the Lieutenant Governor in Council may, upon application of the council of the health district in that behalf made, issue his proclamation postponing the holding of any intended election for a period not exceeding three months and may from time to time further postpone such election, if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant Governor in Council may by his said proclamation name days for holding the nominations and polling for the election but in case no days are named therefor the council shall, as soon as practicable after the period named in such proclamation or the last of such proclamations expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election of any city, town, village, or municipality, or an election of the entire council of such or of all the members of a board of trustees or other body such persons shall continue to hold office until their successors are elected.

25. There shall be a board of health in every city, town, village and municipality, which shall be responsible for the carrying out of the provisions of this Act.

(2) In every city and town the local board of health shall consist of the mayor, the medical officer of health, the municipal engineer (if any) and three ratepayers to be appointed by the council, as follows: One member to be appointed for three years, one for two years and one for one year; each member retiring to be replaced by a member appointed for three years from the date of appointment.

(3) In every village and municipality the local board of health shall be composed of the members of the council and the sanitary inspector (if any), the secretary-treasurer of such council shall be the secretary of the board.

(4) A majority of the members of any board of health shall be a quorum for the transaction of business.

(5) In every district organized under *The Local Improvement Act* the provincial board of health shall be responsible for the carrying out of any of the provisions of this Act which may apply to such districts.

26. For the purposes of this Act the following are constituted health districts: Any city, town, village, municipality or district organized under *The Local Improvement Act*.

27. The municipal council of every city, town, village or municipality shall in each year vote such sums as are necessary for the carrying on of the work of its board of health.

28. For the prevention, mitigation and suppression of disease and for the better controlling and safeguarding of the public health of the province should any Act in force within the province conflict with this Act, then, and in every such case this Act shall prevail, and should any order, rule or regulation made by the provincial board in respect to any matter over which the provincial board has jurisdiction under this Act, conflict with any by-law, order, rule, or regulation made under authority of any other Act or Ordinance in force in the province, then and in every such case the order, rule or regulation of the provincial board shall prevail.

29. Any person defacing, destroying or removing any notice provided for by this Act or by any regulations made thereunder, before the disinfection provided for in this Act or in the said regulations has been completed, such person shall be guilty of an offence under this Act.

30. Any person who neglects or refuses to obey any order given to him by any executive officer, in pursuance of the provisions of this Act or of the regulations made thereunder, shall be guilty of an offence under this Act.

31. Whoever assaults, obstructs, molests or hinders any executive officer, constable or other person in the execution of any duty or exercise of any power conferred upon him by this Act or any regulation made thereunder, shall be guilty of an offence under this Act.

32. Where no other or different provision is made herein, every person guilty of violating any of the provisions of this Act shall be liable to a penalty of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) with costs.

33. The penalties imposed by this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate.

34. The provisions of part XV, chapter 116, of the Revised Statutes of Canada, 1906 (*The Criminal Code*), shall apply to all prosecutions under this Act.

35. This Act shall come into force on the first day of July, 1911.

36. *The Public Health Act*, being chapter 12 of the Statutes of Alberta, 1907, is hereby repealed.

No. 71

SECOND SESSION
SECOND LEGISLATURE

1 GEORGE V

1910

(Second Session)

BILL,

An Act respecting Public Health

Received and read the

First time

Second time

Third time

Hon. DEWEAR MANFULL

EDMONTON
JAMES E. BERNARD, Government Printer
A.D. 1910