

Bill No. 49 of 1944.

A BILL TO AMEND THE PUBLIC HEALTH ACT.

NOTE.

This Bill amends *The Public Health Act*, chapter 183, R.S.A., 1942.

The amendments to sections 6 and 7 incorporate a reference to full-time health districts. The sections formerly referred only to local boards of health.

The new section 10 enacted by section 5 of the Bill omits the former requirement of submitting an analysis of water from the proposed source of supply with the application to the Provincial Board of Health for a certificate. Subsection (2) of the section authorizes the Board to require changes in plans and specifications before granting a certificate, and subsection (3) exempts from the requirement of a certificate certain minor alterations in a waterworks system. Subsection (4) prohibits a waterworks superintendent from extending a waterworks system without the written authority of his employers and subsection (5) imposes penalties for breach of section 10.

Section 6 of the Bill strikes out sections 12 and 13 and substitutes therefor nine new sections.

The new section 12 by subsection (1) gives the supervision of all springs, wells, etc. used as the source of a public water supply etc. in so far as the purity of the water is concerned to the Provincial Board. Subsection (2) authorizes the Board to inquire into and determine complaints made by riparian owners as to pollution of water. When the Board recommends the removal or treatment of the polluting material, the riparian owner or the Minister may apply to a judge for an order in accordance with the recommendation of the Board.

The new section 13 empowers the Provincial Board to prescribe an area surrounding and including a reservoir of water intended for human consumption to which no livestock shall be allowed access and within which no sewage etc. may be deposited. Subsection (2) prescribes penalties for breaches of subsection (1). Subsection (3) prescribes a penalty for bathing or swimming in the reservoir.

The new section 13a requires a water company or municipality or any person distributing water to make returns when required by the Board and prescribes a penalty for failing to do so.

The new section 13*b* prohibits the construction of a sewerage project without a certificate from the Board, and prescribes the material which must accompany the application for a certificate and defines the powers and duties of the Board as to investigation of the sanitary requirements and the imposition of conditions as to the project or the disposal of sewage.

The new section 13*c* empowers the Board to require alterations or additions to a waterworks or sewerage system where such are considered necessary to guard against injury or dangers to the public health.

The new section 13*d* authorizes the Board to require returns from any person responsible for the operation of a sewerage project.

The new section 13*e* prohibits a municipality passing a by-law for raising money for the purpose of constructing or altering a waterworks system or sewerage project until the by-law has been approved by the Provincial Board.

The new section 13*f* authorizes the Board when of opinion that any of the works mentioned in the section are necessary in the interest of the public health in a municipality, (that is, in a city, town or village), to notify the council to take the necessary steps within a prescribed time, and it is provided that where such notice is given, it is not necessary for a by-law authorizing a borrowing to be submitted to the proprietary electors or burgesses. Penalties are provided for failure on the part of a municipality to comply with the notice.

Section 7 of the Bill introduces a new section 23*a* which is intended to overcome difficulties which have arisen where there has been an overlapping of full-time health districts and districts governed by local boards of health. The effect of the section is that where a municipality is included in a full-time health district it shall cease to be a health district or governed by the local board of health, and full jurisdiction under the Act is given to the full-time health district and to its medical practitioner, who will have the powers formerly exercised by the local medical officer of health.

Section 8 of the Bill adds a new section to the Act and provides a day to day penalty for a person previously convicted with respect to a nuisance or some unsanitary condition who fails to remedy the condition after notice from the Board.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 49 of 1944.

An Act to amend The Public Health Act.

(Assented to _____, 1944.)

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

1. *The Public Health Act*, being chapter 183 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by adding immediately after paragraph (d) thereof the following new paragraphs:

“(dd) ‘Full-time health district’ means a health district organized under the provisions of section 25 or section 26 of this Act;

“(ddd) ‘Health District’ means a health district as defined in or constituted under the provisions of section 21 of this Act”.

2. The said Act is further amended as to section 6 by striking out subsections (2) and (3) thereof and by substituting therefor the following:

“(2) The Provincial Board shall inquire into the measures which are being taken by local boards or by district boards of full-time health districts for the limitation of any dangerous or contagious or infectious disease and into the performance of any duty by virtue of the powers conferred upon local boards or district boards of full-time health districts under this Act or any other Act, and should it appear that efficient measures are not being taken, or that any duty or power is not being performed or exercised by a local board or by a district board of a full-time health district, the Provincial Board shall, in the interests of the public health, require the local board or the district board of a full-time health district, as the case may be, to perform its duties and to exercise any of the powers which, in the opinion of the Provincial Board, the urgency of the case demands.

“(3) If a local board, or the district board of a full-time health district after request by the Provincial Board, neglects or refuses to perform its duties and to exercise its powers, the Provincial Board may perform or exercise at the expense of the city, town, village or municipal district any of the duties or powers of local boards or district boards of full-time health districts which under the circumstances the Provincial Board may consider necessary, and it shall

if it deems the same necessary, direct officers of the Government, local boards of health or district boards of full-time health districts, as the case may be, with regard to the means to be adopted to safeguard the public health, including the location, drainage and water supply of any house or public place, the disposal of excreta therefrom, and the methods of heating, lighting and ventilation to be adopted therein."

3. The said Act is further amended as to section 7,—

- (a) by striking out paragraph (a) of subsection (1) thereof and by substituting therefor the following:

"(a) the management, maintenance, functions, duties, qualifications, appointments, dismissal and jurisdiction of local boards, district boards of full-time health districts, medical officers of health, medical and sanitary staff of a full-time health district, executive officers or any class of executive officers;"

- (b) by adding immediately after the words "local boards," where the same occur in paragraph (mm) of subsection (1) thereof, the words "or district boards of full-time health districts, as the case may be".

4. The said Act is further amended by striking out the heading "Establishment of Waterworks, Etc.", where the same occurs immediately after section 9, and by substituting therefor the heading "Establishment of Waterworks, Sewerage, Sewage Disposal Plants, Etc.".

5. The said Act is further amended by striking out section 10 and by substituting therefor the following:

"**10.**—(1) When the establishment of a system or the extension of, or any change in any existing system of waterworks for the purpose of providing a water supply for public consumption is contemplated by any person, it shall be the duty of such person to submit to the Provincial Board plans, specifications and an estimate of cost of the works to be undertaken, together with an engineer's report, if required, and such other information as may be deemed necessary by the Provincial Board, and no such works shall be undertaken or proceeded with and no such change shall be made, until a certificate, signed by the chairman of the Provincial Board, and stating that the proposed system, extension or change may, with safety to public health, be constructed and operated, is obtained.

"(2) The Provincial Board, upon receiving plans and specifications for approval, may, before granting a certificate, direct such changes to be made as it deems necessary in the public interest.

"(3) Notwithstanding anything contained in this section to the contrary, it shall not be necessary for any person

operating a system of waterworks to obtain a certificate from the Provincial Board authorizing the repair or replacement of a broken pipe, the tapping of a water main with a view to constructing a private service connection, or the construction of a private service connection.

“(4) No waterworks superintendent or engineer, employed to manage or operate a system of waterworks, shall extend or authorize the extension of any part of the said waterworks system without the written authority of his employers first obtained.

“(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars, and in default of payment to imprisonment for a term of not less than one month, nor more than six months.”

6. The said Act is further amended by striking out sections 12 and 13 thereof and by substituting therefor the following:

“**12.**—(1) The Provincial Board shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source of a public water supply, or for agricultural, domestic or industrial purposes with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof.

“(2) The Provincial Board may inquire into and hear and determine any complaint made by or on behalf of a riparian proprietor entitled to the use of water, that any industrial waste or any other polluting material of any kind whatsoever, which either by itself or in connection with other matter may corrupt or impair the quality of the water or may render such water unfit for accustomed or ordinary use, has been placed in or discharged into such water, or placed or deposited upon the ice thereof, or placed or suffered to remain upon the bank or shore thereof.

“(3) The Provincial Board may make a report to the Minister upon such complaint and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

“(4) Where the report of the Provincial Board recommends the removal or degree of treatment of any such polluting material, any riparian proprietor interested or the Minister may apply to a judge of the Supreme Court or to a district court judge by way of originating notice according to the practice of the court, for an order for the removal or abatement of the injury in terms of the report of the Provincial Board and to restrain the proprietors of the industry from carrying on the same, or the proprietors or other offending party or parties from continuing the acts complained of until the injury or invasion of right has been abated to the satisfaction of the Provincial Board.

“(5) The judge may make such order upon the report of the Provincial Board, or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper.

“**13.**—(1) The Provincial Board of Health may by order, with respect to any impounding reservoir provided or constructed to store water as the source of a water supply for human consumption by the residents of any city, town, village or hamlet, define and prescribe an area surrounding and including such reservoir to which no live stock shall be allowed access and wherein no sewage, drainage, domestic, commercial or factory refuse, excremental or other polluting matter of any kind whatsoever which either by itself, or in connection with other matter corrupts, pollutes or impairs, or may corrupt, pollute or impair the quality of the water, or which renders or may render such water injurious to health, may be placed, deposited, discharged or suffered to remain, and wherein or wherefrom no person shall bathe or swim. The order shall become effective on publication in *The Alberta Gazette*.

“(2) Any person who, within any area surrounding and including an impounding reservoir provided or constructed to store water as the source of water supply for human consumption by the residents of any city, town, village or hamlet, after the same has been defined and prescribed by the Provincial Board pursuant to subsection (1) permits any live stock to have access thereto or who places, deposits, discharges or suffers to remain any of the matters referred to in subsection (1), shall be guilty of an offence and liable on summary conviction to a penalty of not less than five dollars and not more than fifty dollars, and in default of payment to imprisonment for a term of not less than one month nor more than three months, and each week's continuance of the offence after notice by the Provincial Board or any local board to discontinue the offence, shall constitute a separate and subsequent offence for which a penalty of not less than ten dollars and not more than fifty dollars shall be incurred, and in default of payment, imprisonment as aforesaid.

“(3) Any person who bathes or swims in the water included in an area prescribed as aforesaid, shall be guilty of an offence and liable on summary conviction to a fine of not less than five dollars and not more than fifty dollars, and in default of payment to imprisonment for a term of not more than one month.

“**13a.**—(1) Any water company, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Alberta, and distributing the waters thereof for human consumption, shall whenever required by the Provincial Board, make returns to the Board of such matters as may be required, or called for by forms furnished by the Board.

“(2) Any water company, officer or other person who fails or neglects to make such returns within thirty days after having been requested so to do, shall be guilty of an offence and liable on summary conviction to a fine of fifty dollars and in default of payment to imprisonment for a term not exceeding one month.

“**13b.**—(1) In this section and in sections 13*c*, 13*d*, 13*e*, 13*f* and 13*g*, ‘sewerage project’ means common sewer, system of public sewerage or public sewage disposal plant or any alteration or extension of any of them.

“(2) The construction of a sewerage project by any person shall not be commenced until a certificate, signed by the chairman of the Provincial Board, and stating that the proposed sewerage project may with safety to the public, be constructed and operated, is obtained.

“(3) Every application to the Provincial Board for approval under subsection (2) shall be accompanied by plans, specifications and an estimate of cost of the project, together with an engineer’s report, if required, and such other information as may be deemed necessary by the Provincial Board.

“(4) The Provincial Board shall cause inquiry to be made as to the extent of the sanitary requirements which the construction of the sewerage project is intended to meet and whether such sewerage project is likely to prove prejudicial to the public health.

“(5) The Provincial Board may make any suggestion in connection with or of amendment to, the plans or specifications, or may impose any condition with regard to the construction of the sewerage project or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

“(6) The Provincial Board of Health may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Provincial Board shall be final and it shall be the duty of the person responsible for the operation of the sewerage project to give effect thereto.

“(7) Any person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars, and in default of payment to imprisonment for a term of not less than one month nor more than six months. Any person employed to manage and operate a sewerage project who extends any part of the said sewerage project without the written authority of his employers, shall incur a penalty of not less than fifty dollars and not more than two hundred dollars, and in default of payment to imprisonment for not less than one month nor more than six months.

“**13c.** 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

system of waterworks providing a water supply for human consumption or in any sewerage project, the Board may by notice in writing require the alterations or additions to be made within a prescribed period of time, failing which, the owners of the waterworks system or the sewerage project, as the case may be, shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars for each day during which the default continues.

"13d. Whenever required by the Provincial Board, the person responsible for the operation of any sewerage project shall make returns to the Provincial Board of such matters as may be required, or called for by forms furnished by the said Board, and in case any such person fails or neglects to make such returns for thirty days after receipt of a request from the Provincial Board for such information, he shall be guilty of an offence and liable on summary conviction to a fine of fifty dollars and in default of payment to imprisonment for not more than one month.

"13e.—(1) In this section and in sections 13f and 13g, 'municipality' means a city, town or village.

"(2) No by-law shall be passed by the council of a municipality for raising money for any of the purposes mentioned in sections 10, 13b, 13c and 13f inclusive, until the proposed waterworks construction or sewerage project, as the case may be, has been approved by the Provincial Board, and such approval has been certified under the hand of the chairman of the said Board.

"(3) The by-law shall recite the approval of the Provincial Board.

"13f.—(1) Where the Provincial Board is of the opinion that it is necessary in the interest of the public health in a municipality that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it may by notice in writing require the council of the municipality concerned to take such steps as the Board considers necessary as set out in the notice, within the time prescribed therein, and in any such case it shall not be necessary, notwithstanding any provision to the contrary in *The Town and Village Act* or in any Act incorporating a city, or in any other Act to obtain the assent of the electors or burgesses of the municipality concerned to any by-law for incurring a debt for any of such purposes.

"(2) The amount of any such debt shall not be included in estimating the maximum amount of debt which a city, town or village is authorized to incur under the provisions the *The Town and Village Act* or the Act incorporating the city.

“(3) Where the Provincial Board has issued a notice in writing to the council of a municipality as provided for in this section, the said council shall forthwith pass all necessary by-laws for the establishment of the works reported upon, and the municipality shall immediately commence the work and carry same to completion without unnecessary delay.

“(4) The by-law shall not be finally passed until the approval of the Provincial Board has been obtained to the work to be done as hereinbefore provided and shall recite such approval.

13g. Any municipality refusing or neglecting to carry out the requirements of any notice given it by the Provincial Board under the provisions of section 13f within thirty days after the expiration of the time fixed by the notice, shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars for each day during which the default continues.”

7. The said Act is further amended by adding thereto immediately after section 23, the following new section:

“23a.—(1) Where a city, town, village or municipal district or other area is included within a health district and is in whole or in part also included in a full-time health district, the area included in the full-time health district shall, so long as it is so included cease to be a health district, and the provisions of sections 19, 22 and 23 shall no longer apply to it, and the district board of the full-time health district shall within the boundaries of the district enforce the provisions of this Act and the regulations made hereunder, and the medical practitioner appointed by the district board shall in any city, town, village, municipal district or other area with respect to the portion included in the district, have the same powers and duties as are given to and imposed upon the local medical officer of health under the provisions of section 22, and may between meetings of the district board of the full-time health district, exercise the authority and perform the duties of the board.

“(2) If any full-time health district includes within its boundaries a portion only of a city, town, village, municipal district or other area, the portion not so included shall continue to be governed by the provisions of sections 19, 22 and 23 to the same extent as if this section had not been passed.”

8. The said Act is further amended by adding immediately after section 37 the following new section:

“38. Where any person has been convicted of an offence under the provisions of this Act or of the regulations made hereunder, and such offence is in the nature of an omission or neglect or is in respect to the existence of a nuisance or other unsanitary condition which it is such person’s duty to remove, and if an executive officer of the local board, or the

board of a full-time health district or of the Provincial Board gives reasonable notice to such person to make good such omission or neglect or to remove such nuisance or unsanitary condition, and default is made in respect thereof, the person convicted shall be liable on summary conviction to a further fine of not less than one dollar nor more than ten dollars for each day he has remained in default after notice, and until he has complied with the notice."

9. This Act shall come into force on the day upon which it is assented to.

No. 49.

FOURTH SESSION
NINTH LEGISLATURE
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1944

BILL

An Act to amend The Public Health
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

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