CHAPTER 321

The Public Health Act

1. In this Act,

(a) "communicable disease" means any contagious or infectious disease, and includes smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease declared by the regulations to be a communicable disease;

(b) "Department" means the Department of Health;

(c) "Deputy Minister" means the Deputy Minister of Health; R.S.O. 1950, c. 306, s. 1, c1. (a-c).

(d) "fluoridation system" means a system comprising equipment and materials established for the addition of a chemical compound to release fluoride ions into a municipal water supply; 1957, c. 97, s. 1.

(e) "food and dairy inspector" means a food and dairy inspector appointed under this Act; R.S.O. 1950, c. 306, s. 1, cl. (f).

(f) "health unit" means a health unit established under this Act;

(g) "house" or "household" includes a dwelling house, lodging house, and hotel, and also includes a students' residence, fraternity house or other building in which any person in attendance as a student, pupil or teacher or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;

(h) "householder" includes the proprietor, master, mistress, manager, housekeeper, janitor and caretaker of a house;

(i) "local board" means the local board of health for a municipality or of a health unit;

(j) "medical and dental inspection" means medical and dental inspection and dental treatment;
(k) "medical officer of health" means the medical officer of health of a municipality or of a health unit appointed under this Act or, in unorganized territory, a medical officer of health appointed by the Department for a specified area;

(l) "member of a household" means a person residing, boarding or lodging in a house;

(m) "milk" includes whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;

(n) "Minister" means the Minister of Health;

(o) "municipality" does not include a county;

(p) "occupier" means the person in occupation or having the charge, management or control of any premises, whether on his own account or as an agent;

(q) "owner" means the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such land or premises were let;

(r) "pasteurization" means the process of heating every particle of milk to a temperature of not less than 143°F., of holding it at such temperature for not less than thirty minutes, or such other temperature and time as is set by the Lieutenant Governor in Council, and of cooling it immediately thereafter to 50°F. or lower, and "pasteurized" has a corresponding meaning;

(s) "premises" means any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van or other structure of any kind, any mine, or any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;

(t) "regulations" means the regulations made under this Act;

(u) "street" includes any highway, any public bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not. R.S.O. 1950, c. 306, s. 1, cls. (s-x).
2. Where by this Act powers are conferred or duties imposed upon the Department, such powers may be exercised and duties discharged by the Minister. 1953, c. 87, s. 1.

3.—(1) The Lieutenant Governor in Council may appoint a duly qualified medical practitioner of at least five years standing to be Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere in Ontario, any of the powers conferred by this Act on medical officers of health, and he shall act under the direction of the Minister and shall perform such duties as are assigned to him by the Minister or by the Deputy Minister. R.S.O. 1950, c. 306, s. 2.

4. It is the duty of the Department and it has power,

(a) to make investigations and inquiries respecting the causes of disease and mortality in Ontario or in any part thereof;

(b) to advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;

(c) to exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and ensure that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department;

(d) to determine whether the existing condition of any premises or of any street or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;

(e) to inspect all county jails, prisons, homes for the aged, sanitaria, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safekeeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and ensure that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;
(f) to make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Department deems best to control any outbreak;

(g) to enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department deems advisable in the interests of the public health. R.S.O. 1950, c. 306, s. 3.

5.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he deems expedient, and, for the purposes of such investigation, possesses all the powers that may be conferred upon a commissioner appointed under The Public Inquiries Act.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality and that the local board has on a proper representation of the facts neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation under subsection 1.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor and, if such person neglects or refuses after three days notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under any such order.

(4) Where it appears to the Department to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof. R.S.O. 1950, c. 305, s. 4.

6. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations for,

1. the prevention or mitigation of disease;
2. the frequent and effectual cleansing of streets, yards and premises;

3. the removal of nuisances and unsanitary conditions;

4. the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; R.S.O. 1950, c. 306, s. 5, cls. (a-d).

5. regulating, so far as the Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;

6. the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;

7. the supplying of such medical aid, medicine and other articles and accommodations as the Department deems necessary for preventing or mitigating an outbreak of any communicable disease;

8. prescribing the terms and conditions upon which insulin may be supplied free of charge to indigent persons under section 56 and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost;

9. the inspection of premises by the local board or medical officer of health, or an officer of the Department, and the cleansing, purifying and disinfecting of anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for such purpose any steamboat, vessel, railway carriage or car or public conveyance and anything contained therein and any person travelling thereby;

10. entering and inspecting any premises used for human habitation in any locality in which conditions exist that, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building that is, in the
opinion of the Department, unfit for human habitation;

11. preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

12. preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons who or conveyances that have been exposed to infection for inspection or disinfection until the danger of infection is past;

13. regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

14. the removal or keeping under surveillance of persons living in infected localities;

15. authorizing the taking possession by a municipal corporation, local board or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

16. the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth;

17. any other matter that, in the opinion of the Department, the general health of the inhabitants of Ontario or of any locality may require;

18. the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers;

19. the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrup, wines and brewed beers;

20. prescribing the duties and powers of officers designated under section 12;

21. the medical and dental inspection and dental treatment of pupils in public, separate, continuation, high and vocational schools, where such inspection and
treatment is undertaken by local boards under this Act, and for the apportionment and payment of all moneys appropriated by the Legislature for that purpose; R.S.O. 1950, c. 306, s. 5, cls. (g-w).

22. regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized or in which milk products are prepared;

23. providing for courses of instruction and prescribing qualifications for medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses; R.S.O. 1950, c. 306, s. 5, cls. (ze, zf).

24. prescribing the duties of medical officers of health, sanitary inspectors, food and dairy inspectors and public health nurses, in relation to public health matters not specifically provided for by this Act;

25. regulating the construction, manufacture, alteration, renovation, repairing, renewal, covering and recovering, inspection and sale of upholstered or stuffed articles; 1957, c. 97, s. 2 (2), part.

26. defining “sale” for the purposes of this Act and the regulations, classifying and defining upholstered or stuffed articles and the materials to be used therein, and requiring and prescribing the treating, processing, sterilizing and disinfecting of upholstered or stuffed articles and the materials used therein, and prohibiting the use in upholstered or stuffed articles of materials designated by the regulations; 1957, c. 97, s. 2 (2), part; 1959, c. 79, s. 1 (1).

27. requiring the labelling of upholstered or stuffed articles constructed, manufactured, altered, renovated, repaired, renewed, covered, recovered, sold or offered for sale and prescribing the form of the labels to be affixed thereon; 1957, c. 97, s. 2 (2), part; 1959, c. 79, s. 1 (2).

28. requiring every label affixed to upholstered or stuffed articles to be stamped with a stamp supplied by the Department and fixing the fees to be paid therefor;

29. exempting designated persons or classes of articles from the regulations respecting upholstered or stuffed articles; 1957, c. 97, s. 2 (2), part.

30. defining, regulating and licensing summer camps, summer resorts and agricultural camps but not includ-
31. licensing, regulating and controlling diagnostic and public health laboratories;

32. prescribing qualifications for persons operating or engaged in diagnostic or public health laboratories;

33. prescribing standards for the location, construction, alteration, repair and equipment of premises to be used as dwellings;

34. prescribing standards for the construction, operation and maintenance of premises used for public cold storage of food for human consumption and requiring licences for such premises and fixing an annual licence fee of not more than $5;

35. prescribing standards for the location, construction, alteration, repair, operation and maintenance of swimming pools; R.S.O. 1950, c. 306, s. 5, cl. (zh-zn).

36. prescribing the manner, method, times and conditions for the establishing and supplying of facilities and services mentioned in clauses a and b of subsection 4 of section 81, and for the payment of or making contributions toward the cost thereof;

37. prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under The Public Hospitals Act for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants; 1955, c. 65, s. 1.

38. prescribing standards for the construction, operation and maintenance of premises where food or drink for human consumption is manufactured, processed or handled;

39. regulating or restricting the manufacturing, processing, preparing, selling or offering for sale of any food or drink for human consumption; R.S.O. 1950, c. 306, s. 5, cl. (zp, zg).

40. providing for the payment of grants for the maintenance of isolation hospitals, the methods of determining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom; 1951, c. 70, s. 1.
41. designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof; 1954, c. 76, s. 1.

42. regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation used otherwise than in commerce or industry, or any class of them; 1959, c. 79, s. 1 (3).

43. governing, regulating and restricting the storage, collection and disposal of refuse, and the location and operation of refuse disposal areas. 1960, c. 92, s. 1.

7.—(1) Any regulation made under section 6 may be limited as to time or place or to both.

(2) Regulations heretofore made shall be deemed to be general in their application unless such application is inconsistent with the intent and purpose of such regulations. 1952, c. 84, s. 1.

8. A regulation made by the Minister with the approval of the Lieutenant Governor in Council supersedes any municipal by-law, including the by-law in Schedule B, dealing with the same subject-matter, and any such by-law shall be deemed to be revoked in so far as it is inconsistent with any such regulation. 1953, c. 87, s. 3.

9. The Deputy Minister, the district officers of health, the provincial sanitary inspectors in unorganized areas, and any other officer of the Department specially authorized for the purpose, possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1950, c. 306, s. 8.

10.—(1) The Lieutenant Governor in Council may divide the Province for the purposes of this section into not more than ten health districts and may appoint a legally qualified medical practitioner to be known as the district officer of health for each such district.

(2) Every district officer of health shall be paid such salary as is fixed by the Lieutenant Governor in Council and his actual and necessary travelling and other expenses incurred
in the discharge of his duties, and such salary and expenses are payable out of such sums as are appropriated by the Legislature for that purpose.

(3) Every district officer of health,

(a) is within his district the official representative of the Department and, subject to the approval of the Minister or the Deputy Minister, has general control of statutory organization for public health;

(b) for the promotion of public health and for the protection of the inhabitants from communicable disease, has authority, subject to the approval of the Minister, to enforce this Act and the regulations and is responsible through the local medical officer of health for the enforcement of this Act and the regulations; and

(c) also has, for the further effective carrying out of this Act and the regulations, all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the sanitary inspector under this Act.

(4) Whenever required so to do by the Department, a district officer of health has the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as are required, and shall in such report give such information as is required by the Department or by the regulations.

(6) The Department, every district officer of health and inspector, and every medical officer of health and sanitary inspector have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in, a municipality, and for such purpose may institute proceedings for the prosecution of offenders against any of the said by-laws.

(7) A district officer of health may summon a special meeting of a local board for public health purposes.

(8) In territory without municipal organization, a district officer of health has the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards and local medical officers of health in the administration and enforcement of this Act, The Vaccination Act and The Venereal Diseases Prevention Act. R.S.O. 1950, c. 306, s. 9.
11. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he deems proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as are appropriated by the Legislature for that purpose. R.S.O. 1950, c. 306, s. 10.

12. The Minister may designate which officers of the Department shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, continuation, high and vocational schools throughout Ontario, and such officers shall perform all duties required of them by the Department and by this Act, The Public Schools Act, The Separate Schools Act, The Department of Education Act, or any other Act or any regulations made thereunder with respect to such medical and dental inspection. R.S.O. 1950, c. 306, s. 11.

LOCAL BOARDS OF HEALTH

13.—(1) There shall be a local board of health for every municipality in Ontario, except where a health unit is established under this Act.

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health and three resident ratepayers to be appointed annually by the council at its first meeting in every year. R.S.O. 1950, c. 306, s. 12 (1, 2).

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor, the medical officer of health and, in cities over 100,000

(a) five resident ratepayers, at least two of whom are not members of the council; or

(b) seven resident ratepayers, at least three of whom are not members of the council.

(4) The resident ratepayers referred to in clauses a and b of subsection 3 shall be appointed annually by the council at its first meeting in every year. 1952, c. 84, s. 2.
(5) In a town having a population of less than 4,000 according to the enumeration of the assessors for the last preceding year and in every village, township and improvement district, the local board shall consist of the head of the municipality, the medical officer of health and one resident ratepayer appointed annually by the council at its first meeting in every year. 1953, c. 87, s. 4, part.

(6) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of four resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year. 1953, c. 87, s. 4, part; 1956, c. 71, s. 3.

(7) One or more members of the council may be appointed to be members of the local board.

(8) The local board shall have a secretary, and, unless otherwise provided by the council, the clerk shall be the secretary.

(9) Where a health unit is established, the local board thereof shall be constituted and appointed as provided by the regulations, and such local board shall take the place of the local board or boards which but for the establishment of the health unit would exist in the municipality or municipalities forming the health unit. R.S.O. 1950, c. 306, s. 12 (5-7).

14. Every local board is a corporation by the name of "The Local Board of Health of the City (or as the case may be) of.............." (inserting the name of the municipality). R.S.O. 1950, c. 306, s. 13.

15.—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution of the board, and such other meetings as are prescribed by the regulations or required by the board.

(2) At the first meeting of a local board in every year, which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman. R.S.O. 1950, c. 306, s. 14.

16. Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the other members of the board and to the secretary. R.S.O. 1950, c. 306, s. 15.

17. The clerk of the municipality shall report to the Department the names and addresses of the members of the local board in each year on or before the 1st day of February,
and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1950, c. 306, s. 16.

18. Whenever a vacancy occurs in a local board of a city or town by the death, resignation or removal of an appointed member, the council, at its first meeting after the vacancy occurs, shall appoint a resident ratepayer to fill the vacancy and, in default of such appointment, the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1950, c. 306, s. 17.

19. A majority of the members of a local board is a quorum. R.S.O. 1950, c. 306, s. 18.

20. The council of a township may by by-law provide for the payment to each member of the local board and to the secretary of a sum not exceeding $4 for every attendance at meetings of the board and his necessary travelling expenses in going to and returning from such meetings. R.S.O. 1950, c. 306, s. 19.

21.—(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

(2) Subsection 1 applies to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 96.

(3) The amounts of any payments made by the treasurer for the purposes mentioned in subsection 2 shall be levied and collected by a special rate on the rateable property of the supporters of the school or schools for whose pupils medical and dental inspection is provided by the local board. R.S.O. 1950, c. 306, s. 20.

22.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year and of the sanitary condition of the municipality.
(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister. R.S.O. 1950, c. 306, s. 21.

23. The secretary of every local board shall report weekly to the Department the number of cases of and deaths from communicable diseases, and the number of deaths from all other causes occurring in the municipality during the preceding week, upon a form to be supplied by the Department. R.S.O. 1950, c. 306, s. 22.

24.—(1) Whenever a local board has authority to direct that any matter or thing be done by a person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

(2) Where a local board in a municipality in which a sewerage system has been established recommends that sanitary conveniences or suitable connections with a water service should be installed in any building and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may, with the approval of the Minister, install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding 6 per cent on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

(3) A certificate from the clerk of the municipality setting forth the cost of the conveniences and a description of the lands upon which the same were installed shall be registered in the proper registry or land titles office against the lands on proper proof by affidavit of the signature of the clerk, and, upon payment in full of the cost of the conveniences, a like certificate from the clerk shall be registered and thereupon the lands are freed from all liability with reference thereto. R.S.O. 1950, c. 306, s. 23.
25.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by a person who has suffered damage by reason of any act or default on the part of the local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action and may pay any damages or costs for which the board or the member, officer or employee is liable in respect of such act or default.

(2) In this section, “employee” does not include a contractor with the local board. R.S.O. 1950, c. 306, s. 24.

26. It is the duty of a local board to superintend and ensure the carrying out of this Act and the regulations and any by-law of the municipality pertaining to public health, and to execute, do and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1950, c. 306, s. 25.

27. Where information is given in writing to the local board by a resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1950, c. 306, s. 26.

28.—(1) Where a medical officer of health is of opinion that the disinfecting of a house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. R.S.O. 1950, c. 306, s. 27.

29. A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident and may pay the expense of conveying therein any person so suffering to a hospital or other place. R.S.O. 1950, c. 306, s. 28.

30. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles that have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. R.S.O. 1950, c. 306, s. 29.
31. A local board may direct the destruction of any furniture, bedding, clothing or other articles that have been exposed to infection, and may give compensation therefor. R.S.O. 1950, c. 306, s. 30.

32. Where the order of a local board or medical officer of health involves an expenditure of more than $1,000, the person against whom the order is made or any person chargeable with such expenditure or any part thereof may, within four days after being served with a copy of the order, appeal therefrom to the judge of the county or district court who has power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1950, c. 306, s. 31.

33.—(1) Where a local board has not been established as required by this Act, or where a local board or any officer thereof has, in the opinion of the Minister, refused or neglected to act with sufficient promptness or efficiency in carrying out this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act or by any order or regulation made thereunder.

(2) The expenses so incurred shall be certified by the Minister and are a debt due by the corporation of the municipality and, upon presentation of such certificate, the treasurer of the municipality shall pay the same.

(3) The corporation of the municipality whose treasurer pays the expenses so incurred as provided by subsection 2 may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the municipality may direct the amount of the expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. R.S.O. 1950, c. 306, s. 32.

MEDICAL OFFICERS OF HEALTH

34.—(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as are deemed necessary by the local board, and as are prescribed by the regulations, and every such appointment is subject to the approval of the Minister.
(2) Where the council refuses or neglects to make any of such appointments or to fill any vacancy, the Department shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith and, if the council continues in default for five days after the receipt of the letter, the Lieutenant Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy. R.S.O. 1950, c. 306, s. 33 (1, 2).

(3) The council of a municipality having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health and while so acting he has all the powers and shall perform the same duties as the medical officer of health. R.S.O. 1950, c. 306, s. 33 (3); 1957, c. 97, s. 3.

(4) Upon the death of a medical officer of health appointed by the council of a city, the council of that city may appoint, with the approval of the Minister, an acting medical officer of health, who has all the powers of and shall perform the same duties as a medical officer of health.

(5) An acting medical officer of health appointed under subsection 4 ceases to hold office three months after the death of the medical officer of health or upon the appointment of a medical officer of health, whichever first occurs. 1952, c. 84, s. 3.

(6) The council of a township, with the approval of the Department, may appoint for any stipulated time more than one medical officer of health for the township and may limit the territory within which each of such officers shall act, and every such medical officer of health, within the territory for which he is appointed, has and shall perform the powers and duties of a medical officer of health as set out in this Act or in any by-law passed thereunder and in force in the municipality.

(7) The council of a municipality or a local board may appoint one or more public health nurses and physicians and engage such other services as are, in the opinion of the council or local board, required for carrying out this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

(8) The council of a town, township or village, or the local board thereof, may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and
the prevention or treatment of disease, and such appointments are eligible for grants in respect of the same as are provided by the regulations.

(9) Any person who is appointed under this Act as a public health nurse is subject to the direction and control of the medical officer of health for the municipality for which such nurse is appointed. R.S.O. 1950, c. 306, s. 33 (4-7).

35.—(1) The council of a county may by by-law establish and declare the county to be a health unit.

(2) The councils of two or more counties, or such number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit. 1960, c. 92, s. 2 (1).

(3) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in the county and not separated therefrom all form part of the health unit. R.S.O. 1950, c. 306, s. 34 (3).

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council. 1960, c. 92, s. 2 (2).

(5) Where a medical officer of health or an acting medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit do not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health or the acting medical officer of health for the health unit. R.S.O. 1950, c. 306, s. 34 (5); 1952, c. 84, s. 4 (1).

(6) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, which may be general or particular in their application,

(a) respecting the establishment of a health unit;

(b) providing for the constitution of a board of health in any health unit, fixing the number of members and defining the powers of the board;

(c) prescribing the powers, qualifications, salary and duties of a medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit;
(d) respecting the appointment and the tenure of office of the medical officer of health, acting medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit;

(e) apportioning any expense incurred in carrying out this section and the regulations among the municipalities and school sections concerned. R.S.O. 1950, c. 306, s. 34 (6); 1952, c. 84, s. 4 (2).

(7) The expenses incurred in carrying out this Act and the regulations made thereunder with respect to a health unit shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the Minister, or in such manner as is prescribed by the regulations. R.S.O. 1950, c. 306, s. 34 (7).

(8) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units. 1960, c. 92, s. 2 (3).

(9) Subject to the regulations, where a health unit is established under this Act, the Minister may grant such assistance for the establishment and maintenance of the health unit as he deems proper and any such grant is payable out of the moneys appropriated by the Legislature for that purpose. R.S.O. 1950, c. 306, s. 34 (8).

36. Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment. R.S.O. 1950, c. 306, s. 35.

37.—(1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal.
(2) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he has attained the age of seventy-five years.

(3) Upon evidence satisfactory to the Minister that there is no person residing in a municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of the municipality.

(4) A medical officer of health who refuses or neglects to carry out this Act or the regulations, or any special order of the Department, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department.

(5) It is the duty of the medical officer of health to make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding them, using forms supplied by the Department for that purpose. R.S.O. 1950, c. 306, s. 36.

38. The medical officer of health is the executive officer of the local board and, with the local board, is responsible for the carrying out of this Act and the regulations and of the public health or sanitary by-laws of the municipality. R.S.O. 1950, c. 306, s. 37.

39. No action, prosecution or other proceeding shall be brought or be instituted against a medical officer of health for an act done in pursuance or execution or intended execution of any statutory or other public duty or authority, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Minister. R.S.O. 1950, c. 306, s. 38.

40. Every medical officer of health, whether appointed by the council or by the Lieutenant Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1950, c. 306, s. 39.

41. Sanitary inspectors shall be paid such annual sum as is determined by the council of the municipality. R.S.O. 1950, c. 306, s. 40.
42.—(1) Where a vacancy occurs in the office of medical officer of health, the council shall forthwith nominate another medical officer of health in his stead who shall be approved by the Minister as hereinbefore provided.

(2) When the medical officer of health is ill or absent from the municipality for a protracted period, the council shall appoint a legally qualified medical practitioner to be acting medical officer of health during the illness or absence, and such acting medical officer of health, during the illness or absence of the medical officer of health, has all the powers and shall perform all the duties of the medical officer of health, and such appointment is subject to the approval of the Department. R.S.O. 1950, c. 306, s. 41.

43.—(1) There shall be an annual conference of all the medical officers of health and it is the duty of every medical officer of health to attend the conference.

(2) The expenses of the attendance of each medical officer of health shall be borne by the municipality and are payable in addition to his salary on the certificate of the Deputy Minister.

(3) The conference shall be held at such time and place as is determined by the Department. R.S.O. 1950, c. 306, s. 42.

ISOLATION HOSPITALS

44.—(1) Any municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

(2) Two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

(3) A municipality may borrow money by the issue of debentures for the purposes of this section and it is not necessary to obtain the assent of the electors to any by-law for raising money for the purposes of this section.

(4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof.

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality. R.S.O. 1950, c. 306, s. 43 (1-5).

(6) The powers conferred by this section are subject to sections 45 to 50. R.S.O. 1950, c. 306, s. 43 (6), amended.
No such isolation hospital and, except as provided by The Sanatoria for Consumptives Act, no sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. R.S.O. 1950, c. 306, s. 44.

(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality shall make application in writing to the local board of the municipality for permission to do so.

(2) The local board shall give notice of the application and of the meeting at which the application will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice or at a special meeting to be called for the purpose within one month after that date.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not the application will be granted.

(5) If the local board determines not to grant permission, notice in writing of its decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate and the Deputy Minister.

(6) The appeal shall be by notice in writing addressed to the Deputy Minister and sent by registered mail to him within seven days after the receipt of notice of the decision of the local board.

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper.
published in the county or district town of the county or district in which such municipality is situate.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what is alleged for and against such appeal on behalf of the applicant and the local board or any ratepayer of the municipality who objects to the granting of such permission.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board deems necessary.

(10) The decision of the board of appeal or a majority of its members shall be given in writing and is final.

(11) Each of the members of the board of appeal is entitled to a fee of $10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal are payable by the appellant upon the written order of the Minister to the persons entitled thereto.

(12) Nothing in this section or in section 45 applies to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. R.S.O. 1950, c. 306, s. 45.

47. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof, until permission has been given as provided by section 46, is guilty of an offence and on summary conviction is liable to a fine of not more than $25 for every day on which the offence is continued. R.S.O. 1950, c. 306, s. 46.

48.—(1) No isolation hospital shall be established until the plans and the proposed equipment thereof have been submitted to and approved by the Department.

(2) Every municipality establishing an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as are directed by the Department. R.S.O. 1950, c. 306, s. 47.

49. The Minister may, out of the moneys that are appropriated by the Legislature for the purpose and subject to the regulations, pay grants to municipalities toward the cost of
Control of isolation hospital

50.—(1) Subject to the regulations, the local board of the municipality that has established an isolation hospital has the management and control of it and of the conduct of the physicians, nurses, attendants and patients.

(2) Notwithstanding subsection 1, an agreement may be entered into between the local board of the municipality that has established an isolation hospital, the council of the municipality and the board of trustees of a public hospital, providing for the management and control of the isolation hospital and of the conduct of the physicians, nurses, attendants and patients by the board of trustees of the public hospital. R.S.O. 1950, c. 306, s. 48.

EMERGENCY HOSPITALS

51. Where a communicable disease to which this section is made applicable by the regulations becomes prevalent in a municipality and the municipality has not already provided proper hospital accommodation for such cases, the local board shall immediately provide, at the cost of the municipality, such a temporary hospital, hospital tent or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,

(a) erect such hospital, hospital tent or place of reception;

(b) contract for the use of any existing hospital, hospital tent or place of reception; or

(c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which the hospital is situate, for the reception and care of persons suffering from the communicable disease, and for the payment of such remuneration therefor as is agreed upon. R.S.O. 1950, c. 306, s. 48.

ACQUIRING LAND

52.—(1) Where an outbreak of any of the diseases to which section 51 applies occurs or is apprehended, the local board may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building
without prior agreement with its owner and without his consent, and may retain it for such period as appears to the board to be necessary.

(2) Written notice (Schedule A) shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate, and such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

(4) If the owner is not known or is not resident in Ontario or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of a local newspaper having circulation in the municipality where the property is situate, and shall send by registered mail to the last known address, if any, of the owner a copy of the notice, and such publication is sufficient notice to the owner.

(5) The owner is entitled to compensation from the municipality wherein the land or building is situate for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner and, in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine the amount of the compensation and the terms of payment in such manner and after giving such notice as he sees fit. R.S.O. 1950, c. 306, s. 50.

53. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person as he deems most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 306, s. 51.

MEDICAL CARE OF INDIGENTS

54.—(1) Every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance
upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its welfare administrator, if any, are unable through poverty to pay for the necessary attendance and who are not cared for in a public or private hospital.

(2) This section does not impose any duty on the medical officer of health in respect of such cases unless an agreement has been entered into with him under subsection 1.

(3) Failing the making of any other agreement, the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to subsection 4.

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1950, c. 306, s. 52.

55.—(1) Where a medical officer of health claims that the salary paid to him by a municipality or the remuneration provided for under section 54 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipality, and the council of the municipality neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing the claim, the medical officer of health, after the expiration of ten days from the receipt of the notice by the clerk, may apply in a summary manner to the judge of the county or district court of the county or district in which the municipality lies for an order allowing his claim and fixing the amount payable to him as salary under section 40 or as remuneration under section 54, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he deems just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 54.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the municipality disputing his claim, he shall be deemed to have abandoned the claim.

(3) The judge, upon the application, shall take into consideration all the circumstances of the case and, among other matters, the physical extent, population and assessment of the municipality.

(4) The Judges' Orders Enforcement Act applies to every application and order made under this section. R.S.O. 1950, c. 306, s. 53.
56.—(1) The Minister may supply insulin to indigent persons free of charge upon the terms and conditions prescribed by the regulations.

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost of insulin, such contribution not to exceed 25 per cent of the cost. R.S.O. 1950, c. 306, s. 54.

57. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis, in such amounts, in such manner and at such times as the regulations prescribe. 1954, c. 76, s. 2.

58.—(1) Whenever any householder knows or has reason to suspect that any person in his family or household or boarding or lodging with him has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him.

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board and shall be included in the weekly report required to be sent to the Department under section 23. R.S.O. 1950, c. 306, s. 55.

59.—(1) No householder in whose dwelling any communicable disease occurs shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from, his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof.

(2) Milk bottles and other containers used in the delivery of milk and that may be used again for the same or any other purpose shall not be returned from or taken away from any premises under quarantine for any communicable disease until the quarantine has been raised, and they shall then be removed.
in such manner as the medical officer of health directs and, before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations require.

(3) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease.

(4) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife and every person in charge of a maternity hospital, every householder, and every person in charge of a child, to see that such requirements as are prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes.

(5) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife or other person in charge of a maternity hospital, every householder, and every person in charge of a child, to see that such requirements as are prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes.

R.S.O. 1950, c. 306, s. 56.

60.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which the diseased person is.

(2) This section applies to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease.

(3) Subsection 1 applies to any person registered and practising as a drugless practitioner under The Drugless Practitioners Act. R.S.O. 1950, c. 306, s. 57.

61.—(1) Where a communicable disease is found or suspected to exist in a municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of a communicable disease, may direct that any school or seminary of
learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. R.S.O. 1950, c. 306, s. 58.

62. Where by the regulations this section is made applicable in respect of a communicable disease, the medical officer of health or the local board shall, as required by the regulations, isolate persons having such disease, persons who are or may be contacts therewith and persons who are or may be carriers thereof, and shall forthwith and as provided by the regulations quarantine the house or premises in which such disease exists or in which such persons are isolated. R.S.O. 1950, c. 306, s. 59.

63.—(1) If any person in a municipality is infected or has recently been infected with, or exposed to, a communicable disease to which this section is made applicable by the regulations, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

(2) The municipality is entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessaries for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1950, c. 306, s. 60.

64.—(1) The medical officer of health shall take such steps as are necessary for the public safety with respect to any person in the municipality who in the opinion of the medical officer is a carrier of the germs of a communicable disease to which this section is made applicable by the regulations.

(2) The medical officer of health may require any person in the municipality whom he believes to be such a carrier to submit to such clinical or laboratory examination or investigation as may be necessary to determine whether such person is a carrier.

(3) The medical officer of health may give such orders or directions to any such carrier as he deems necessary to prevent the spread of the disease, and may direct such person to be isolated in any premises or locality, and may prohibit such person from residing in any premises or engaging in any work
that in the opinion of the medical officer is likely to cause the spread of the disease, and may do all such acts as are necessary to enforce the carrying out of any such order, direction or prohibition.

(4) Upon evidence satisfactory to the Minister that a person is such a carrier and that he has been deprived of his means of livelihood by an order or direction of the medical officer of health, the Department may, out of any moneys appropriated by the Legislature for the purposes of the Department, pay compensation to such person, the amount of which to be determined in the regulations. R.S.O. 1950, c. 306, s. 61.

65. Where, owing to the refusal or neglect of the medical officer of health, the local board or the municipality, a communicable disease is brought into another municipality which incurs expense in preventing the spread of such communicable disease, the municipality in default shall pay to the municipality incurring such expense the whole amount thereof, and it is recoverable as a debt in any court of competent jurisdiction. R.S.O. 1950, c. 306, s. 62.

66. No person suffering from a communicable disease to which this section is made applicable by the regulations shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health or without complying with such conditions as he prescribes. R.S.O. 1950, c. 306, s. 63.

67. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and cause any person found therein who is infected with a communicable disease to be removed to a hospital or some other proper place. R.S.O. 1950, c. 306, s. 64.

68.—(1) Where there is reason to suspect that a person suffering from a communicable disease to which this section is made applicable by the regulations is in or upon any railway car, street railway car, steamboat, vessel or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected, or such officer or member may, if he thinks fit, remain on or
in or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it, and his authority continues in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Department has the same authority as a medical officer of health under this section.

R.S.O. 1950, c. 306, s. 65.

69. Where a communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the municipality, compel the inhabitants of the dwelling house or out-house to move therefrom, and may place them in sheds or tents or other proper shelter in some more suitable situation until measures can be taken under the direction and at the expense of the municipality for the immediate cleansing, ventilation, purification and disinfection of such dwelling house or out-house. R.S.O. 1950, c. 306, s. 66.

70. No person recovering from a communicable disease to which this section is made applicable by the regulations, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things that he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1950, c. 306, s. 67.

71. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things that have been exposed to infection, such measures as are prescribed by the regulations or by the medical officer of health. R.S.O. 1950, c. 306, s. 68.

72. No person suffering from or having recently recovered from a communicable disease to which this section is made applicable by the regulations shall mingle with the general public.
public, and no person having access to any such person, except
the attending physician and clergyman, shall do so, until such
sanitary precautions as are prescribed by the medical officer
of health have been complied with. R.S.O. 1950, c. 306, s. 69.

73.—(1) No person suffering from or having recently re-
covered from a communicable disease to which this section
is made applicable by the regulations shall expose himself,
nor shall any person expose any one under his charge who is
so suffering from any such disease in a railway car, street
railway car, steamboat, vessel or other conveyance, without
having previously notified the owner or person in charge of
the conveyance of the fact of his having such disease.

(2) The owner or person in charge of any such conveyance
shall not, after the entry of any infected person into his conve-
yance, allow any other person to enter it without having suffi-
ciently disinfected it under the direction of the medical officer
of health or sanitary inspector. R.S.O. 1950, c. 306, s. 70.

74. No person shall give, lend, transmit, sell or expose
any bedding, clothing or other article likely to convey a
communicable disease without having first taken such pre-
cautions as the medical officer of health directs for removing
all danger of communicating such disease to others. R.S.O.
1950, c. 306, s. 71.

75. No person shall let or hire, or permit to be occupied,
any house or room in a house in which a communicable
disease has recently existed without having caused the house
and premises used in connection therewith to be disinfected
to the satisfaction of the medical officer of health, and, for
the purpose of this section, the keeper of an inn or house for
the reception of lodgers shall be deemed to let for hire part
of a house to any person admitted as a guest into such inn or
house. R.S.O. 1950, c. 306, s. 72.

76. No person letting for hire, or showing for the purpose
of letting for hire, any house or part of a house, on being
questioned by any person negotiating for the hire of such
house or part of a house as to the fact of there previously
having been therein any person, animal or thing suffering
from or liable to be infected by a communicable disease,
shall knowingly make a false answer to such question. R.S.O.
1950, c. 306, s. 73.

77.—(1) No common carrier shall knowingly accept for
transportation or carry in Ontario, except under and subject
to the regulations, any person suffering from a communicable
disease to which this section is made applicable by the regulations, or any infected article or articles of clothing, bedding or other property whatsoever.

(2) No carrier shall knowingly accept for transportation or carry in Ontario the body of a person who has died of a communicable disease, except under and subject to the regulations.

(3) Every person contravening the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of $100. R.S.O. 1950, c. 306, s. 74.

78.—(1) Whenever a communicable disease exists in a house or household in which there is a person who is a student or pupil in, or a teacher or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease, and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

(2) Whenever a local board, or any of its officers or members, are aware of the existence in a house of a communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher or in any other capacity, and none of such last-mentioned persons shall, after such notice, be permitted to attend, or be employed or be in or about, such institution until the certificate mentioned in subsection 1 is obtained and presented.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution is suffering from a communicable disease or that there exists in a household of which he is a member any communicable disease, such first-mentioned person shall notify the medical officer of health thereof and shall not permit the attendance of the person suffering from such disease, if under his direction or control, until the medical officer of health certifies that such attendance may be safely allowed.
(4) No student or pupil having suffered from a communi-
cable disease shall be allowed to attend any such institution
of learning within the minimum period prescribed by the
regulations.

(5) Whenever a communicable disease exists in a board-
ing school or other institution in which pupils are received
for tuition and boarded or lodged, the head of the institution
or the person in charge thereof shall immediately isolate the
person suffering from such disease and any person in attend-
ance upon him, and, within twelve hours after the disease is
known to exist, shall notify the medical officer of health and
shall not permit the person so suffering or any person in
attendance upon him to mingle with the other pupils or in-
mates of the institution until the medical officer of health has
certified that he may safely do so. R.S.O. 1950, c. 306, s. 75.

FLUORIDATION

79. Every municipality named in Schedule C shall be
deemed to have had authority to establish and operate its
fluoridation system and shall be deemed to have all such powers
as may be necessary to maintain its fluoridation system.
1957, c. 97, s. 5, part.

80.—(1) Any municipality named in Schedule C may
at any time discontinue its fluoridation system or may at any
time submit the question set out in subsection 2 to a vote of
the electors of the municipality at the next municipal election,
and, if a petition signed by 10 per cent or more of the total
number of persons whose names appear on the last revised
voters' list of the municipality as being qualified to vote at
the municipal elections requesting the council to submit the
question set out in subsection 2 is filed with the clerk of the
municipality, the council shall submit such question to a vote
of the electors at the next municipal election.

(2) The question referred to in subsection 1 is:

Are you in favour of the continuation of the
fluoridation of the public water supply in this
municipality?

(3) Where a majority of the persons referred to in sub-
section 1 vote in the negative, the municipality shall thereupon
discontinue the fluoridation system. 1957, c. 97, s. 5, part.

PRE-NATAL EXAMINATION

81.—(1) In this section,
(a) "infant" means a child under the age of twelve months;

(b) "maternal and child health" means the care and treatment of expectant mothers, infants and children.

(2) The Minister may, in accordance with the regulations in that behalf, establish a programme of maternal and child health.

(3) The maternal and child health programme may include the provision of the facilities and services mentioned in subsection 4 and the co-ordination of existing facilities and the dissemination of information respecting maternal and child health and such other matters as are deemed necessary for the carrying out of the programme.

(4) For the purpose of carrying out the programme of maternal and child health, the Minister may, out of such moneys as are appropriated by the Legislature for the purpose,

(a) provide,

(i) diagnostic, technical and other facilities and services, and

(ii) medical and other services and substances, articles, accommodations and other facilities, for the prevention and mitigation of disease or disorders among expectant mothers and children;

(b) provide for the examination of expectant mothers by medical practitioners; and

(c) pay grants to hospitals approved under The Public Hospitals Act for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants, in such manner and at such times and upon such conditions and,

(d) in respect of clauses a and b, pay for or contribute toward the cost of providing the facilities and services; and

(e) in respect of clause c, pay the grants in such amounts, as are prescribed by the regulations. 1955, c. 65, s. 2.

NUISANCES

82. Any condition existing in a locality that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppres-
sion of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1950, c. 306, s. 80.

83. Without restricting the general application of section 82 and for greater particularity,

(a) any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;

(b) any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state or so situated as to be injurious or dangerous to health;

(c) any well, spring or other water supply that is injurious or dangerous to health;

(d) any stable or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;

(e) any accumulation or deposit of refuse wherever situate that is injurious or dangerous to health;

(f) any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or wagons at a station or siding or elsewhere so as to be injurious or dangerous to health;

(g) any work, manufactory, trade or business so situated as to be injurious or dangerous to health;

(h) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient air space is allowed for each inmate to comply with the regulations;

(i) any schoolhouse, public or private, factory, shop or other building that is not in a clean state or free from effluvia arising from a drain, privy, water or earth closet, urinal or other nuisance, or that is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein that are injurious or dangerous to health, or that is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;

(j) any fireplace or furnace, the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines or used in a mill, factory, dye-house, brew-
ery, bakehouse or gas works, or in any manufacturing or trade process whatever;

(k) any chimney emitting smoke in such quantity as to be injurious or dangerous to health; and

(l) any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health,

shall be deemed nuisances within the meaning of this Act. R.S.O. 1950, c. 306, s. 81.

84. The medical officer of health of a municipality, or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board, may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises in the municipality for the purpose of carrying out this Act, and may take such action as he deems necessary for carrying it out, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as is necessary to make such inspection or examination. R.S.O. 1950, c. 306, s. 82.

85. Where a medical officer of health, inspector or other person in making an inspection or examination under section 84 finds that any premises are used for the accommodation of aged or infirm persons, or children between the age of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to ensure that such persons receive proper care and treatment and, in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation. R.S.O. 1950, c. 306, s. 83.

86.—(1) Every medical officer of health shall ensure that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

(2) If upon such examination he finds any premises in a filthy or unclean state or that any matter or thing is there that, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the premises and to remove or destroy what is so found therein. R.S.O. 1950, c. 306, s. 84.

87. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality and the premises are unoccupied or the occupant is unable to
remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1950, c. 306, s. 85.

88. Where, under this Act, the regulations or a municipal by-law, a local board or a medical officer of health or sanitary inspector removes anything that is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board or, if the officer is acting under a by-law of a municipal council, is subject to the disposition of the council, and the owner of such thing has no claim in respect thereof. R.S.O. 1950, c. 306, s. 86.

89.—(1) Wherever the local board or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which it arises, requiring him to abate it within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose.

(2) Where the nuisance arises from the want or the defective construction of a structural convenience or where there is no occupier of the premises, notice shall be served on the owner.

(3) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises and it is therefore improper that the owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the municipality. R.S.O. 1950, c. 306, s. 87.

90. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place outside the municipality, the local board of the municipality affected shall cause an inspection to be made and, when necessary, shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings authorized by this Act in relation to nuisances with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1950, c. 306, s. 88.

91.—(1) If, on investigation by the local board, a nuisance is found to exist and if, after the board has required its removal or abatement within a specified time, the board finds
that default in removal or abatement has been made and the case appears to the local board to involve the expenditure or loss of a considerable sum of money or serious interference with a trade or industry or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department, and the judge may make such order upon the report of the Department or upon such further evidence as he deems meet.

(3) The Judges' Orders Enforcement Act applies to every order made by a judge under this section. R.S.O. 1950, c. 306, 1960, c. 196 s. 89.

92.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate it, the medical officer of health or sanitary inspector may enter the premises and take such steps as may be necessary to abate it.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and are recoverable from both the owner and the occupier for the time being of the premises.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses and of the person by whom and the premises in respect of which they are payable shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and may be collected in like manner as municipal taxes.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him that, as between him and the owner, the latter ought to pay out of the rent then due or from time to time becoming due in respect of the premises.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him or that, after demand of such costs or expenses and after
notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by the occupier unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable, and the burden of proof that the sum demanded from the occupier is greater than the rent due by him at the time of such notice, or which has since accrued, is on the occupier. R.S.O. 1950, c. 306, s. 90.

93.—(1) Where such removal or abatement involves the loss or destruction of property to the value of $2,000 or more, no determination or order of the Department or of a local board for the removal or abatement shall be enforced except by order of a judge of the Supreme Court.

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1950, c. 306, s. 91.

OFFENSIVE TRADES

94. Any person who, without the consent of the local board or of the municipal council, establishes a trade or business or manufacture for,

(a) blood boiling;
(b) bone boiling;
(c) refining coal oil;
(d) extracting oil from fish;
(e) storing hides;
(f) soap boiling;
(g) tallow melting;
(h) tripe boiling;
(i) slaughtering animals;
(j) tanning hides or skins;
(k) manufacturing gas;
(l) manufacturing glue;
(m) manufacturing fertilizer from dead animals or from human or animal waste;

or any other trade, business or manufacture that is or may become offensive or that is by the regulations declared to be a noxious or offensive trade, business or manufacture, is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $250 in respect of the
Sec. 96 (5)  PUBLIC HEALTH  Chap. 321  125

establishment thereof and to a fine of not less than $20 for every day on which, after notice in writing by the local board or an officer thereof to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect to its establishment. R.S.O. 1950, c. 306, s. 92.

95. Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse, in a municipality, except on premises approved of by the medical officer of health, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1950, c. 306, s. 93.

MEDICAL AND DENTAL INSPECTION IN SCHOOLS

96.—(1) For the purposes of this section and section 97, “school board” means a board having charge over a public, separate, continuation, high or vocational school. R.S.O. 1950, c. 306, s. 94 (1).

(2) A school board may enter into an agreement with the local board of a municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of the school board. R.S.O. 1950, c. 306, s. 94 (2); 1957, c. 97, s. 6.

(3) Where an agreement is entered into by a local board under subsection 2, it has full power and authority to and, until otherwise determined by the school board, shall provide medical and dental inspection of the pupils of the schools mentioned in the agreement in accordance with this or any other Act relating thereto and any regulations made under this or any such other Act, and shall do and perform all acts, matters and things necessary for the purpose.

(4) It is not necessary for the purposes of subsection 2 for an agreement entered into under it to provide for medical and dental inspection of the pupils of all schools in the charge of a school board or for all the schools in a municipality, but the agreement may relate to the pupils only of any one or more of such schools.

(5) Where a school board is desirous of entering into an agreement with a local board under subsection 2 and the local board refuses to enter into it, the Minister, upon the application of the school board and after hearing the representations of the local board and if satisfied that the standards
established under this Act for medical and dental inspection of pupils can be provided for, may direct the local board to enter into the necessary agreement and provide for such inspection. R.S.O. 1950, c. 306, s. 94 (3-5).

97.—(1) Any school board may enter into an agreement with a county to provide for the employment by and at the expense of the county of public health nurses, school medical officers and dental officers in the schools under the control of the school board.

(2) Where an agreement is entered into under this section and no school medical officer is appointed by the county, the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

(3) Where an agreement does not provide for a service in the schools of all the local municipalities forming part of the county, the county may levy the cost against the local municipalities in which the service is provided. R.S.O. 1950, c. 306, s. 95.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

98.—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that it is overcrowded or occupied by more persons than is reasonably safe for their health.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants and that the sleeping rooms are such that 600 cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there that, in the opinion of the medical officer of health founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean and put the rooms in a condition fit for human habitation. R.S.O. 1950, c. 306, s. 96.

99. Where in the opinion of the medical officer of health any premises are so situated, so constructed or so improperly
lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause the premises to be closed and may affix a notice thereon in a prominent place setting forth the reason for the closing and that the premises are closed by order of the medical officer of health, and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1950, c. 306, s. 97.

INSPECTION OF UPHOLSTERED OR STUFFED ARTICLES

100. A medical officer of health or an inspector or other person in the employ of a local board or a member of a local board or an officer of the Department may at all reasonable times inspect,

(a) the premises where upholstered or stuffed articles are constructed, manufactured, altered, renovated, repaired, renewed, covered or recovered;

(b) the premises where materials for the construction, manufacture, alteration, renovation, repair, renewal, covering or recovering of such articles are processed;

(c) the premises where such articles are offered for sale; and

(d) upholstered or stuffed articles,

and for the purpose of the inspection may seize, detain and open any upholstered or stuffed article and remove part therefrom, may prohibit the sale of any such article that is not labelled or where the labelling contravenes the regulations and may affix "off sale" labels. 1959, c. 79, s. 2.

INSPECTION OF DAIRIES, ETC.

101.—(1) The medical officer of health may make, or cause to be made by a food and dairy inspector or other competent person approved by the Department, an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein, is in a filthy or unclean state or that the operations carried on therein are
not or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanliness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things the public health may be endangered, he may order the owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction and, until such time as he is satisfied that such matters or things are remedied, he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises.

(2) When any of the products mentioned in subsection 1 are distributed or delivered from or are made in any of the buildings, land or premises mentioned in that subsection and are sold or offered for sale in a municipality other than the one in which the building, land or premises is situate, the medical officer of health of such other municipality may with respect thereto exercise the powers conferred by subsection 1 and may prohibit or regulate the distribution, delivery, sale or offering for sale of such products in the municipality in which he is the medical officer of health.

(3) The owner or occupant of a building, land or premises who is dissatisfied with an order, prohibition or regulation made by a medical officer of health under this section may, within seven days of notice thereof being served upon him personally or sent by registered mail at his last known address or at the building, land or premises in question, appeal from such order, prohibition or regulation to the Minister whose decision in the matter is final and not subject to question or review in any court.

(4) Any person contravening the terms of any order, prohibition or regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $100 for each offence, and any product distributed, delivered, sold or offered for sale in contravention of any such prohibition or regulation may upon the order of the convicting justice or magistrate be confiscated and destroyed. R.S.O. 1950, c. 306, s. 99.

PASTEURIZATION OF MILK

102.—(1) No person shall sell, offer for sale or deliver in any city or town, or in any other municipality or other area to which, by Order in Council made upon the recommendation of the Minister, this section is made applicable, milk that has not been pasteurized in a pasteurization plant to which the Department has issued a certificate of approval in the prescribed form.
(2) This section does not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Department.

(3) Any medical officer of health, sanitary inspector, food and dairy inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

(4) Any person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $500.

R.S.O. 1950, c. 306, s. 100.

WATERWORKS AND SEWERAGE

103.—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health 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 is not necessary to obtain the assent of the electors to a by-law for incurring a debt for any of such purposes.

(2) Where the Department has reported as provided by subsection 1, the council of the municipality 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 it to completion without unnecessary delay.

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

R.S.O. 1950, c. 306, s. 109.

ICE SUPPLIES

104.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the ice as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained in
or outside the municipality, whenever the ice is intended for use in the municipality in which the board has jurisdiction.

(2) No ice shall be cut from any lake, river, stream, pond or other water for the purpose of being sold or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit or revoke any granted by it when in its judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the permit is or would be detrimental to the public health.

(3) Every local board shall enforce the regulations of the Department and may prohibit the sale and use of any ice in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health.

(4) The local board may prohibit and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the municipality and may in the same manner prevent the sale of any such ice for domestic purposes in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health. R.S.O. 1950, c. 306, s. 113.

INSPECTION OF ANIMALS, MEAT, ETC.

105.—(1) A medical officer of health, food and dairy inspector or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and, if such article appears to him to be diseased or unsound or unwholesome or unfit for food for man, he may seize and carry away the article, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

(2) The person to whom the article belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the article was found, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $100 for every such article, unless he proves that he did not know and had no means of knowing the condition of the article.
(3) Where it is charged upon a prosecution under this section that an animal, or the meat or milk of an animal, is affected with a disease named in section 2 of the Animal Contagious Diseases Act (Canada), or with wens, clyers, actinomycosis or osteosarcoma or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists, and the Minister may instruct an officer of the Department to make such examination or cause it to be made.

(4) The expenses of such examination, together with a fee not exceeding $10, shall be certified by the Deputy Minister and is payable by the treasurer of the municipality in which the animal, meat or milk is found.

(5) In a prosecution under this section, the burden of proof that an article in respect of which the charge is laid is not kept for sale or intended for food for man is upon the person charged.

(6) No person shall manufacture or bottle for sale as food for man any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which the manufacturing or bottling is to be conducted.

(7) When the medical officer and local board of health desire to cancel a permit, they shall give notice in writing of the cancellation to the person or the agent of the person to whom the permit was issued, and the cancellation does not become effective until thirty days after receipt of the notice by the person or agent.

(8) Such permit may be refused and, if granted, may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage, or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. R.S.O. 1950, c. 306, s. 114.

106.—(1) Whenever a medical officer of health, food and dairy inspector or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal...
that has not been previously boiled or steamed when fresh or before becoming putrid or decomposed or that, although boiled or steamed, is putrid or decomposed has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

(2) The owner, or person in charge of, or any person, found feeding any such blood, offal or meat to hogs is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50 and, upon his conviction, the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

(3) In a prosecution under this section in which it is proved that blood, offal or decomposed meat was found upon the premises, the burden of proof that it was not intended to be fed to hogs is upon the person charged. R.S.O. 1950, c. 306, s. 115.

107. Any person who cooks garbage or other refuse that has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1950, c. 306, s. 116.

108.—(1) Every butcher and other person selling meat shall, on the request of the medical officer of health, make an affidavit as to the place at which the slaughter of his meat is carried on and, where it is outside the municipality, such place shall be open to inspection by the medical officer of health, food and dairy inspector or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

(2) In the case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality, he is guilty of an offence and on summary conviction is liable to a fine of not more than $20. R.S.O. 1950, c. 306, s. 117.

109.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of a calf less than three weeks old is guilty of an offence and on
summary conviction is liable to a fine of not less than $10 and
not more than $50.

(2) In a prosecution under this section in which it is proved
that the meat of a calf less than three weeks old was found
upon the premises, the burden of proof that it was not intended
as food for man is upon the person charged. R.S.O. 1950,
c. 306, s. 118.

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

110.—(1) The council of a city or town may by by-law
provide for the establishment in the municipality, or in an
adjoining municipality whose council has by by-law sanctioned
its establishment therein, of a public slaughter-house or
abattoir with proper cattle-yards and pens in connection
therewith for the proper keeping thereof of animals intended
for slaughter, and for charging fees for the use thereof.

(2) Every such slaughter-house, abattoir, cattle-yard and
pen shall be constructed, equipped and regulated in conformity
with the regulations. R.S.O. 1950, c. 306, s. 119.

111. The local board of the city or town by which the
slaughter-house, abattoir, cattle-yard or pen is established
has the supervision of it and is responsible for the due carrying
out of the regulations, and the costs of the supervision and
inspection shall be paid from time to time by the treasurer of
the city or town out of the fees charged on the order of the
local board. R.S.O. 1950, c. 306, s. 120.

112. Such local board may employ one or more persons,
approved of by the medical officer of health, to inspect at the
slaughter-house, abattoir, cattle-yard or pen all animals,
carcasses and meat brought into the municipality and intended
for food for man. R.S.O. 1950, c. 306, s. 121.

113. Any meat-packing establishment is subject to in-
pection in the same manner as a municipal slaughter-house
or abattoir. R.S.O. 1950, c. 306, s. 122.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

114. Any person who obstructs, hinders, delays or pre-
vents an officer of the Department, or any local board or a
member thereof, medical officer of health or sanitary inspector,
or any person employed by or acting under the direction of
any of them in the exercise of any of the powers conferred,
or performance of any of the duties imposed upon them by
this Act or by the regulations, or in carrying out any order
lawfully given by them, is guilty of an offence and on summary
Calling for assistance of constables, etc.

115. Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it is the duty of every constable so called upon to render such assistance. R.S.O. 1950, c. 306, s. 124.

FINES AND THE RECOVERY THEREOF

116.—(1) Any person who contravenes any of the provisions of sections 58 to 78 for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $100.

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or who willfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or sanitary inspector, unless it is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $500.

(3) Where a person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and the offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition that it is such person’s duty to remove, or of the erection or construction of anything contrary to this Act or any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to the person to make good the omission or neglect, or to remove the nuisance or unsanitary condition, or to remove the thing that has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default and is liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction, a new notice is given and the default continues, and, in case of a third or subsequent conviction, it is not necessary in the information, conviction or other proceedings to make any reference to any conviction, except the first,
or to any notice except that in respect of which the proceedings are then being taken.

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department is guilty of an offence and on summary conviction is liable to a fine of $100 and, in default of payment thereof, is liable to imprisonment for a term of three months.

(5) Every person who sells either publicly or privately any report or information received from the Department relating to any test of water or milk, and every person who charges any fee for any such report or information, is guilty of an offence and on summary conviction is liable to a fine of $100, and, in default of payment thereof, is liable to imprisonment for a term of not more than three months. R.S.O. 1950, c. 306, s. 125.

117. The fines imposed by or under the authority of this Act are recoverable before a magistrate or two justices of the peace. R.S.O. 1950, c. 306, s. 126.

118.—(1) Every fine recovered under this Act where the prosecution is by or at the instance of a municipality, or the local board, or the medical officer of health or other health officers of the municipality, shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board.

(2) Where the prosecution is at the instance of the Department or of any provincial officer or where the offence was committed in territory without municipal organization, the fine shall be paid to the Treasurer of Ontario. R.S.O. 1950, c. 306, s. 127.

119. Where any act or omission is a contravention of any express provision of this Act and is also a contravention of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1950, c. 306, s. 128.

120. In a prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, or any upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, such certificate or report is prima facie evidence of the facts stated therein and of the
authority of the person giving or making the certificate or report without any proof of appointment or signature. R.S.O. 1950, c. 306, s. 129.

121. Where a person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act or of the regulations gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate is a bar to all proceedings against such person for a period of six months. R.S.O. 1950, c. 306, s. 130.

STATUTORY BY-LAW

122.—(1) Subject to section 8, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B.

(2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment and, subject to section 8, every such amendment has the same force and authority as a regulation made by the Minister. 1953, c. 87, s. 6.

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply mutatis mutandis to territory without municipal organization or any area forming a part thereof designated by the regulations;

(b) amending the by-law in Schedule B,

(i) so as to conform with the requirements of any area mentioned in clause a, or

(ii) to meet such special circumstances as may warrant such amendment, or

(iii) for making additional requirements in respect of any matter mentioned in Schedule B. 1960, c. 92, s. 3 (1).
POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS

123.—(1) Where the Minister reports to the Lieutenant Governor that on account of the prevalence in a municipality of a communicable disease it would be dangerous to hold an election in the municipality, the Lieutenant Governor in Council may, of his own motion or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone the election if, in the opinion of the Minister, the necessity for postponement continues.

(2) The Lieutenant Governor may, by the proclamation, name the days for holding the nomination and polling, but, if 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 the days for the nomination and polling. R.S.O. 1950, c. 306, s. 132.

UNORGANIZED TERRITORY

124. Sections 125 to 131 apply only to territory without county organization. R.S.O. 1950, c. 306, s. 133.

125.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) respecting any industry and the conditions under which the industry may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

(b) providing for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;

(c) providing for the inspection of houses and premises; R.S.O. 1950, c. 306, s. 134 (1), cls. (a-c).

(d) providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed; R.S.O. 1950, c. 306, s. 134 (1), cl. (d); 1959, c. 79, s. 3 (1).

(e) respecting the entering into, adoption, establishment, operation, termination or suspension of,

(i) any contract for the employment of a duly qualified medical practitioner to undertake
the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section,

(ii) any scheme or arrangement for the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section, or

(iii) any scheme or arrangement for the hospital care and treatment of employees of one or more employers of labour mentioned in this section who are not residents as defined by the regulations under The Hospital Services Commission Act and who are not entitled to receive insured services under a hospitalization plan administered by or under the authority of the government of another province pursuant to an agreement made by that province with the Government of Canada under the Hospital Insurance and Diagnostic Services Act (Canada),

and prescribing the forms to be used and reports to be made to the Minister; 1959, c. 79, s. 3 (2).

(f) prescribing, with respect to the deductions referred to in section 126, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the inspection of employers' books and the conditions of payment to a duly qualified medical practitioner or other person entitled to receive such payments. R.S.O. 1950, c. 306, s. 134 (1), cl. (f).

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons whose duty it is to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he deems proper, and every amount so apportioned shall be deemed to be a debt due from the person and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

(4) If default is made in complying with any of the regulations, the Department may direct that what is omitted to be done shall be done at the expense of the person in default and, if the default is the failure to employ a duly qualified medical
practitioner as provided by clause d of subsection 1, the employing person is liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness.

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant Governor in Council under this section relating to territory without municipal organization, the regulation may provide for the imposing of fines for the contravention of any regulation made under this section and every such fine is recoverable under The Summary Convictions Act before a magistrate or two justices of the peace. R.S.O. 1950, c. 306, s. 134 (2-5).

126.—(1) Where an employer of labour mentioned in section 125,

(a) has entered into a medical contract for the employment of a duly qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or

(b) has established a scheme or entered into an arrangement for the medical and surgical care and treatment of his employees,

under which the employer is responsible for the provision of the medical and surgical care and treatment for a period not exceeding thirty days in respect of each illness or disability, the employer may, with the approval of the Minister, deduct the amount prescribed by the regulations, but not exceeding $1.50 per month, from the wages of each employee.

(2) Where an employer of labour mentioned in section 125 has established a scheme or entered into an arrangement referred to in subclause iii of clause e of subsection 1 of section 125, he may deduct monthly the amount prescribed as the premium rate payable by a single person by the regulations under The Hospital Services Commission Act from the wages of each employee entitled to the care and treatment under the scheme or arrangement.

(3) Any scheme or arrangement referred to in subsection Extent of hospital 2 shall provide hospital care and treatment so long as it is medically necessary for a period not exceeding ninety days whether the employee is hospitalized in Ontario or in another province or territory of Canada. 1959, c. 79, s. 4.

127. Every constable is ex officio a sanitary inspector for the locality for which he is appointed. R.S.O. 1950 c. 306, s. 137.
128. The Superintendent of the Algonquin Park is ex officio a medical officer of health for the Park and for the territory surrounding it for the distance of one mile therefrom or from any part thereof, and all the park rangers, whether employed temporarily or otherwise, are ex officio sanitary inspectors under this Act for the Park and such territory. R.S.O. 1950, c. 306, s. 138.

129. The Lieutenant Governor in Council may appoint medical officers of health and every such officer, in the locality for which he is appointed, has all the powers and shall perform all the duties by this Act or any other Act conferred or imposed upon medical officers of health or local boards of health, and shall also perform such other duties as the Lieutenant Governor in Council directs. R.S.O. 1950, c. 306, s. 139.

130. The Minister may, with the approval of the Lieutenant Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 26. R.S.O. 1950, c. 306, s. 140.

131. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as is determined by the Lieutenant Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1950, c. 306, s. 141.

EXPENSES OF ENFORCEMENT OF ACT

132.—(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations are payable in the first instance by the Treasurer of Ontario out of any money appropriated by the Legislature for the expenses of the Department and in such manner and upon such certificate and after such audit as the regulations prescribe, notwithstanding anything in The Audit Act or any other Act to the contrary.

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate is final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1950, c. 306, s. 142.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO SUPREME COURT

133. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act, shall
be vacated, quashed or set aside for want of form, or be removed or removable by certiorari or otherwise into the Supreme Court. R.S.O. 1950, c. 306, s. 143.

SCHEDULE A

(Section 52 (2))

PUBLIC HEALTH NOTICE

Take notice that, by virtue of The Public Health Act and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or buildings, as the case may be), namely,

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of.................................or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(Signature)

R.S.O. 1950, c. 306, Sched. A.

SCHEDULE B

(Sections 10 (6), 122)

By-law in Force in Every Municipality Until Altered by the Municipal Council

1. The medical officer of health shall assist and advise the local board of health and its officers in matters relating to public health, and superintend the enforcement and observance within the municipality of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and perform such other duties and lawful acts for the preservation of the public health as are, in his opinion, necessary, or as are required by the Department of Health for Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality during the preceding calendar year.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health, and perform such other duties as are from time to time assigned to him by the local board of health or the medical officer of health.

3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.
4. No person shall within the municipality suffer the accumulation upon his premises, or deposit or permit the deposit upon any land belonging to him of anything that may endanger the public health, or deposit upon, or into any street, square, lane, by-way, weal, dock, slip, lake, pond, bank, harbour, river, stream, sewer or water, any manure or other refuse, or vegetable or animal matter or other filth.

5. The sanitary inspector shall keep a vigilant supervision over all streets, lanes, by-ways, lots or premises upon which any such accumulation may be found, and at once notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter or filth in any street, lane or by-way to cleanse the same and to remove what is found thereon. Such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every contravention of any of the provisions of this by-law or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

6. Whenever it appears to the local board or to any of its officers that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of the municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ash-pit or cellar kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water or other matter or thing is kept so as to be dangerous or injurious to the public health, the sanitary inspector shall enter such building or premises for the purpose of examining the same, and if necessary he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours notice from any such officer to remove or abate such matter or thing, neglects or refuses to remove or abate the same, he is subject to the fines mentioned in section 29 of this by-law.

7. If the local board is satisfied upon due examination that a cellar, room, tenement or building within the municipality, occupied as a dwelling place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board deems reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending is liable to the fines mentioned in section 29 of this by-law and the board may cause the premises to be properly cleaned at the expense of the owners or occupants or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling place until put into proper sanitary condition.

8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowl therein, unless such shop, house or out-house is distant not less than 200 yards from any dwelling house and not less than 50 yards from any public street.

9. All slaughter-houses within the municipality are subject to inspection under the direction of the local board of health, and no person shall keep any slaughter-house unless the permission in writing of the board
for the keeping of such slaughter-house has been first obtained and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board, and all animals to be slaughtered, and all fresh meat exposed for sale in the municipality are subject to like inspection.

10. All milk cows, cow stables and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries are subject to inspection under the direction of the board, and the proprietors shall obtain permission in writing from the board to keep any such dairy or other place in which milk is so sold or kept or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk will not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken, such permission may be revoked by the board.

11. No person shall offer for sale within the municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk or other article of food which, by reason of disease, adulteration, impurity or other cause, is unfit for use.

12. The owner of every house within the municipality shall provide for the occupants of the house a sufficient supply of water for drinking and sanitary purposes, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense is recoverable in the same manner as municipal taxes.

13. If the local board of health or the medical officer of health certifies that any well shall be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from such well. No well shall be used as a privy, privy-vault or cesspool.

14. No privy-vault, cesspool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained shall be established until the approval in writing of the medical officer of health has been obtained.

15. Section 14 of this by-law does not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to absorb all fluids of the deposit shall be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local sanitary inspector.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cesspools and reservoirs be allowed in accordance with section 14 of this by-law, they shall be cleaned out or disinfected, or both, on the order of the medical officer of health or the local board of health.

17. Within the limits of the municipality no night-soil or contents of any cesspool, septic tank or reservoir shall be removed, unless the removal is by an odourless process.

18. The owner of every house, apartment and place of business within the municipality shall provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.
19. All putrid and decaying animal or vegetable matter shall be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning it or by placing it in a properly covered receptacle, the contents of which shall be removed at least twice in every week.

21. All restaurants or eating houses operated in the municipality shall have wash rooms and toilets, one for males and one for females, for the accommodation of the public.

22. Swine shall not be kept within the municipality except in pens with floors kept free from standing water and regularly cleansed and disinfected and distant at least 100 feet from any dwelling house, schoolhouse or church.

23. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two wagon-loads of manure to accumulate in or near his stable at any one time, and shall at all times keep such manure in a proper covered receptacle.

24. No house shall be built upon any site, the soil of which has been made up of any refuse, unless the soil has been removed from the site and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes or covered with a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

25. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner practising within the municipality with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and also, with other blank forms on which to report death or recovery from any such disease.

26. All such forms shall be printed, gummed and folded so that they may be readily scaled without the use of an envelope, and shall call for the following information:

*Report of Communicable Disease.*

Given name and surname of patient:
Age of patient:
Locality (giving street, number of house or lot) where patient is:
Name of disease:
Name of school attended by children from that house:
Measures employed for isolation and disinfection:

(Signature of physician)

*Report of Death or Recovery from Infectious Disease.*

Given name and surname of patient:
Locality (giving street, number of house or lot) where patient is:
Name of disease:
How long sick:
Whether dead or recovered:
Means of disinfection employed, and when employed:

(Signature of physician)

27. The medical officer of health, within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view of the public, a card at least twelve inches wide and nine inches long, stating that such premises are under quarantine on account of such disease and the penalty for the affixing or removal
of such card without the permission of the medical officer of health, and no person shall affix or remove any such card without his permission.

28. No animal suffering from any communicable disease shall be brought or kept within the municipality, except by permission of the medical officer of health.

29. Any person who contravenes section 4, 6, 7, 9, 11, 24, 27, or 28 of this by-law shall for every offence incur a fine of not less than $5 nor more than $50; and any person who contravenes any other provision of this by-law shall for every offence incur a fine of not more than $20; and such fines are recoverable under The Summary Convictions Act.


SCHEDULE C
(Sections 79, 80)

MUNICIPALITIES
1. City of Brantford
2. Town of Brockville
3. Improvement District of Deep River
4. Town of Fort Erie
5. City of Oshawa
6. Town of Thorold
7. Township of Tisdale
8. City of Sudbury

1957, c. 97, s. 9.