c 299 Public Health Act

Ontario
CHAPTER 299.

The Public Health Act.

INTERPRETATION.

1. In this Act,—

(a) "Communicable disease" shall mean and include any "Communicable disease," contagious or infectious disease, and shall include 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 which may be declared by the regulations to be a communicable disease;

(b) "Department" shall mean the Department of Health "Department," for Ontario;

(c) "Deputy Minister" shall mean the Deputy Minister "Deputy Minister," of Health for Ontario; R.S.O. 1927, c. 262, s. 1, cls. (a-c).

(d) "Fumigation" shall mean fumigation by the use of "Fumigation," hydrocyanic acid or cyanide compounds;

(e) "Fumigator" shall mean any person who by himself "Fumigator," or his associates, employees, servants, assistants or agents carries on the business or occupation of the fumigation of premises; 1936, c. 51, s. 2.

(f) "Health unit" shall mean a county or two or more "Health unit," counties, or a municipality, or two or more municipalities forming part of a county or in two or more counties, or a municipality, or two or more municipalities in a territorial district either alone or in conjunction with a school section, or two or more school sections in unorganized territory; 1934, c. 47, s. 2 (1).

(g) "House" or "household" shall include a dwelling "House," house, lodging house, or hotel, and a students' resi- "Household."
"Householder." (h) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house; R.S.O. 1927, c. 262, s. 1, cls. (d, e).

"Local board." (i) "Local board" shall mean the local board of health for any municipality or of a health unit; R.S.O. 1927, c. 262, s. 1, cl. (f); 1934, c. 47, s. 2 (2).

"Medical officer of health." (j) "Medical officer of health" shall mean the medical officer of health of the municipality appointed under this Act, or in unorganized territory a medical officer of health appointed by the Department for a specified area;

"Member of a household." (k) "Member of a household" shall mean a person residing, boarding or lodging in a house;

"Minister." (l) "Minister" shall mean the Minister of Health for Ontario;

"Municipality." (m) "Municipality" shall not include a county;

"Occupier." (n) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;

"Owner." (o) "Owner" shall mean 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 same if such lands and premises were let;

"Premises." (p) "Premises" shall mean and include 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, and 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;

"Regulations." (q) "Regulations" shall mean regulations made under the authority of this Act;
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(r) "Street" shall include any highway, and any public "Street," bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.  R.S.O. 1927, c. 262, s. 1, cls. (g-o).

2.—(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 may be assigned to him by the Minister or by the Deputy Minister.  R.S.O. 1927, c. 262, s. 2.

3. It shall be the duty of the Department, and it shall have power to,—

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

(b) 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) 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 see 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) 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;  R.S.O. 1927, c. 262, s. 4, cls. (a-d).

(c) inspect all county gaols, prisons, houses of refuge, sanitaria, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, 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 see
that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with; R.S.O. 1927, c. 262, s. 4, cl. (e); 1937, c. 65, s. 2.

(f) 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 may deem best to control any outbreak;

(g) 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 may deem advisable in the interests of the public health. R.S.O. 1927, c. 262, s. 4, cl. (f, g).

4.—(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 may deem expedient, and shall, for the purposes of such investigation, possess all the powers which 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 as provided by 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 such orders. R.S.O. 1927, c. 262, s. 5.

(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. 1932, c. 34, s. 2.
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5. The Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for,

(a) the prevention or mitigation of disease;
(b) the frequent and effectual cleansing of streets, yards and premises;
(c) the removal of nuisances and unsanitary conditions;
(d) the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;
(e) the construction, repair, renewal, alteration and inspection of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps, and other works and appliances forming part of or connected with the plumbing in any building or upon any property or in any highway, street, lane or public place, and in any structure or place, whether permanent or temporary, constructed or used thereon or therein;
(f) the location, construction, repair, renewal, alteration, and inspection of sewers, drain-pipes, manholes, gullies, traps, flush tanks, and other works, in or upon public, municipal or private property, forming part of or connected with any municipal sewerage system;
(g) regulating, so far as this 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;
(h) the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;
(i) the supplying of such medical aid, medicine and other articles and accommodations as the Department may deem necessary for preventing or mitigating an outbreak of any communicable disease;
(j) the inspection of premises by the local board or medical officer of health, or some officer of the Department, and the cleansing, purifying and disinfecting of anything contained therein when required by
Ordering alteration or destruction.  

(k) entering and inspecting any premises used for human habitation in any locality in which conditions exist which, 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 which is, in the opinion of the Department, unfit for human habitation;

Preventing overcrowding.  

(l) 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;

Preventing travel by persons exposed to infection.  

(m) 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 or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

Sanitary inspectors.  

(n) 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;

Surveillance.  

(o) the removal or keeping under surveillance of persons living in infected localities;

Taking possession of premises.  

(p) 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;

Health and summer resorts and inland waters.  

(q) 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;

General.  

(r) any other matter which, in the opinion of the Department, the general health of the inhabitants of Ontario or of any locality may require;
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(s) the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers; R.S.O. 1927, c. 262, s. 6.

(t) the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages, distilled and mineral water and the manufacture of syrup, wines and brewed beer; 1932, c. 34, s. 3.

(u) prescribing the duties and powers of officers designated under section 12;

(v) the medical and dental inspection of pupils in public, separate, continuation, high and vocational schools, where such inspection is undertaken by local boards under this Act, and for the apportionment and payment of all moneys appropriated or voted by this Legislature for that purpose; 1933, c. 50, s. 2.

(w) prescribing the terms and conditions upon which a license for fumigation may be issued, the fees payable therefor, the form and term thereof and the terms and conditions upon which any such license may be renewed, suspended and revoked;

(x) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator and prescribing the form, requirements and terms thereof;

(y) prescribing the procedure, methods and conditions for fumigation and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator;

(z) the issuing of permits by the local medical officer of health for the fumigation of any premises to be fumigated and the terms upon which any such permit may be issued, suspended or revoked;

(za) requiring every substance which is or is intended to be used for fumigation to be approved by the Minister and prescribing the conditions upon which such approval may be granted. 1936, c. 51, s. 3.

6. The Department may, from time to time, declare all or any of such regulations to be in force in any specified municipality or locality for such time as the Department may deem expedient. R.S.O. 1927, c. 262, s. 7.
7.—(1) The regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the Ontario Gazette.

(2) Every regulation shall be laid before the Assembly forthwith if the Assembly is then in session, or if it is not then in session, within fourteen days after the commencement of the next session. R.S.O. 1927, c. 262, s. 8.

8.—(1) Any order or regulation made by the Department shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule B, dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Department, such by-law or other regulation shall be deemed to be suspended.

(2) Every order or regulation made by the Department shall be published in the next report issued by the Department. R.S.O. 1927, c. 262, s. 9.

9. The Deputy Minister of Health, the district officers of health, the provincial sanitary inspectors in unorganized areas and any other officer of the Department specially authorized for the purpose shall 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. 1927, c. 262, s. 10.

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 may be 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 shall be payable out of such sums as may be appropriated by the Legislature for that purpose.

(3)—(a) Every district officer of health shall within his district be the official representative of the Department, and subject to the approval of the Minister or the Deputy Minister, he shall have general control of statutory organization for public health.

(b) He shall further, for the promotion of public health and for the protection of the inhabitants from communicable
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Disease have authority, subject to the approval of the Minister to enforce the provisions of this Act and the regulations and he shall be responsible through the local medical officer of health for the enforcement of this Act and the regulations.

(c) He shall also have for the further effective carrying out of this Act and 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 shall have 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 may be required, and shall in such report give such information as may be 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 shall 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 shall have the authority to summon a special meeting of a local board for public health purposes. R.S.O. 1927, c. 262, s. 11.

(8) In territory without municipal organization, a district officer of health shall have and possess 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. 1931, c. 58, s. 2.

11. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he may deem 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 may be
Designation of officers to supervise, etc., medical and dental work in schools.

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 the provisions of 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. 1933, c. 50, s. 3.

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. R.S.O. 1927, c. 262, s. 12 (1); 1934, c. 47, s. 3 (1).

(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.

(3) In a town having a population of less than 4,000, according to such enumeration, and in every other municipality, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer to be appointed as provided by subsection 2.

(4) There shall be a secretary of the local board, and, unless otherwise provided by the council, the clerk shall be the secretary. R.S.O. 1927, c. 262, s. 12 (2-4).

(5) One or more members of the council may be appointed to be members of the local board. 1930, c. 52, s. 2.

(6) 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. 1934, c. 47, s. 3 (2).
14. Every local board shall be 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. 1927, c. 262, 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 may be prescribed by the regulations, or be 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. 1927, c. 262, 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 secretary and to the remaining members of the board. R.S.O. 1927, c. 262, 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. 1927, c. 262, s. 16.

18. Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment, the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1927, c. 262, s. 17.

19. A majority of the members of a local board shall form a quorum. R.S.O. 1927, c. 262, 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. 1927, c. 262, 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 the provisions of 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. R.S.O. 1927, c. 262, s. 20.

(2) The provisions of subsection 1 shall apply to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 91.

(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 the pupils of which medical and dental inspection is provided by the local board. 1933, c. 50, s. 4.

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 December, 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. 1927, c. 262, 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. 1927, c. 262, s. 22.

24.—(1) Whenever a local board has authority to direct that any matter or thing shall be done by any 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. R.S.O. 1927, c. 262, s. 23 (1).

(2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 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 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 six per centum 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. R.S.O. 1927, c. 262, s. 23 (2); 1936, c. 50, s. 2.

(3) A certificate from the clerk of the municipality setting forth the cost of the said conveniences and a description of the lands upon which the same were made shall be registered in the proper registry or land titles office against the said lands on proper proof by affidavit of the signature of the said clerk and upon payment in full of the cost of the said conveniences a like certificate from the city clerk shall be registered and the lands shall thereupon be freed from all liability with reference thereto. R.S.O. 1927, c. 262, s. 23 (3).

25.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such 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 such board or the member, officer or employee is liable in respect of such act or default.

(2) In this section the word “employee” shall not include a contractor with the local board. R.S.O. 1927, c. 262, s. 24.

26. It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of 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. 1927, c. 262, s. 25.

27. Where information is given in writing to the local board by any resident householder of the existence of a nuisance or nuisances.
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. 1927, c. 262, s. 26.

28. — (1) Where a medical officer of health is of opinion that the disinfecting of any 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. 1927, c. 262, s. 27.

Ambulance. 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. 1927, c. 262, s. 28.

Disinfecting apparatus. 30. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which 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. 1927, c. 262, s. 29.

Destruction of infected bedding, etc. 31. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. R.S.O. 1927, c. 262, s. 30.

Appeal to county judge from order of board. 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 such order, appeal therefrom to the judge of the county or district court who shall have 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. 1927, c. 262, s. 32.

Powers of Minister on default of local authorities. 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 the provisions of 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 shall be 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 shall pay 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 corporation of the said municipality may direct the amount of such 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. 1927, c. 262, s. 33.

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 also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations.

(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 such letter, the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy.

(3) The council of a city 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 shall have all the powers and perform the same duties as the medical officer of health.
(4) 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 shall, within the territory for which he is appointed, have and 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.

(5) The council of a city, town, township or village or a local board may appoint one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board, be required for carrying out the provisions of this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

(6) The council of a town, township or village, or the local board of the same 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 shall be eligible for grants in respect of the same as may be provided by the regulations. R.S.O. 1927, c. 262, s. 34.

35.—(1) The council of a county may by by-law establish and declare the county to be a health unit, or the councils of two or more counties, or the councils of various municipalities, or of adjacent municipalities in the same county, or in different counties, or the council of a municipality or of two or more municipalities in a territorial district, either alone or in conjunction with the trustees of a school section, or the school boards of two or more school sections, may enter into an agreement in writing for the formation of a health unit.

(2) The appointment and salary of the medical officer of health for a health unit shall be as provided by the regulations and shall be subject to the approval of the Minister.

(3) Where a 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 shall not apply and the powers and duties of a medical officer of health in any such municipality shall henceforth be exercised and performed by the medical officer of health for the health unit.
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(4) 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 in a health unit;

(d) respecting the appointment and the tenure of office of the medical officer of health in a health unit;

(e) apportioning any expense incurred in carrying out this section and the regulations among municipalities and school sections concerned.

(5) The expenses incurred in carrying out the provisions of this Act and the regulations made thereunder with respect to a health unit shall be borne and paid in such proportion as may be agreed upon, or in default of agreement, in such proportion as may be fixed by the Minister, or in such manner as may be prescribed by the regulations.

(6) 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 may deem proper and any such grant shall be payable out of any moneys appropriated by the Legislature for that purpose. 1934, c. 47, s. 4.

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. 1927, c. 262, 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, or in an adjoining 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. R.S.O. 1927, c. 262, s. 36 (1); 1934, c. 47, s. 5.
(2) A medical officer of health who refuses or neglects to carry out the provisions of 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.

(3) It shall be 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 the same, using forms supplied by the Department for that purpose. R.S.O. 1927, c. 262, s. 36 (2, 3).

38. The medical officer of health shall be the executive officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations, and of the public health or sanitary by-laws of the municipality. R.S.O. 1927, c. 262, 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. 1934, c. 47, s. 6.

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. 1927, c. 262, s. 38.

41. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. R.S.O. 1927, c. 262, s. 39.

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 absent from the Province for a protracted period, the council may, with the written approval of the Department, appoint a legally qualified medical practitioner to be acting medical officer of health during such absence, and such acting medical officer of health shall have, during the absence of the medical officer of health, all the
powers, and perform all the duties of the medical officer of health. R.S.O. 1927, c. 262, s. 40.

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

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be 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 may be determined by the Department. R.S.O. 1927, c. 262, s. 41.

ISOLATION HOSPITALS.

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

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsection 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose.

(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.

(6) The powers conferred by this section shall be subject to the provisions of sections 45 to 49, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. R.S.O. 1927, c. 262, s. 42.
Permission for establishment of isolation hospitals and consumption hospitals.


45. 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. 1927, c. 262, s. 43.

Application to local board.

46.—(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 health of such municipality for permission to do so.

Notice of meeting.

(2) The local board shall give notice of the application and of the meeting at which the same 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.

Consideration of application.

(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.

Hearing and decision.

(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 such application shall be granted.

Refusal of permission.

(5) If the local board determines not to grant such 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.

Appeal.

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

Notice of appeal.

(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 may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object 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 may deem necessary.

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

(11) Each of the members of the board of appeal shall be 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 shall be 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 contained shall apply 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. 1927, c. 262, s. 44.

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, shall incur a penalty not exceeding $25 for every day on which such offence is continued. R.S.O. 1927, c. 262, s. 45.

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

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations, etc., directions of Department as to...

...
Control of isolation hospital.

49. Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. R.S.O. 1927, c. 262, s. 47.

EMERGENCY HOSPITALS.

50. Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the local board shall immediately provide, at the cost of such corporation, 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 such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon. R.S.O. 1927, c. 262, s. 48; 1937, c. 65, s. 3.

ACQUIRING LAND.

51.—(1) Where an outbreak of any of the diseases, to which section 50 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 the owner of the same and without his consent, and may retain the same for such period as may appear 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.
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(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 a 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 some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner.

(5) The owner shall be entitled to compensation from the corporation of 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. 1927, c. 262, s. 49.

52. 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 may deem 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. 1927, c. 262, s. 50.

MEDICAL CARE OF INDIGENTS.

53.—(1) The corporation of 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 relief officer, 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 shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in 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 the provisions of subsection 2.

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1927, c. 262, s. 51.

54.—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 53 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within 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 53, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he may deem 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 53.

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

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

(4) The Judges' Orders Enforcement Act shall apply to every application or order made under this section. R.S.O. 1927, c. 262, s. 52.

PROVISIONS AS TO COMMUNICABLE DISEASE.

55.—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable dis-
In case of 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 of health, and shall be included in the weekly report required to be sent to the Department under section 23.

R.S.O. 1927, c. 262, s. 53.

56.—(1) No householder, in whose dwelling there occurs any communicable disease, 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. R.S.O. 1927, c. 262, s. 54 (1).

(2) Milk bottles and other containers used in the delivery of milk and which 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 have be raised and they shall then be removed in such manner as the medical officer of health may direct and before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations may require. 1931, c. 58, s. 5.

(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 shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, and everyone in charge of a child, to see that such requirements as may be 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. 1927, c. 262, s. 54 (2, 3).
(5) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife or other person in charge of a maternity case in which the death of a mother takes place from causes directly or indirectly associated with pregnancy or parturition forthwith to report such death and the causes thereof according to the regulations. 1934, c. 47, s. 7.

57.—(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 such diseased person is.

(2) This section shall apply 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. R.S.O. 1927, c. 262, s. 55.

(3) The provisions of subsection 1 shall apply to any person registered and practising as a drugless practitioner under the authority of The Drugless Practitioners Act. 1928, c. 45, s. 2.

58.—(1) Where any communicable disease is found or suspected to exist in any 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 any 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 shall 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. 1927, c. 262, s. 56.

59. Where by the regulations the provisions of this section are made applicable in respect of any 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. 1934, c. 47, s. 8.
60.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, 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 corporation of the municipality shall be 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. 1927, c. 262, s. 58.

61. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. R.S.O. 1927, c. 262, s. 59.

62. No person suffering from any communicable disease, to which this section is by the regulations made applicable, 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 may prescribe. R.S.O. 1927, c. 262, s. 60.

63. 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 any communicable disease, to be removed to a hospital or some other proper place. R.S.O. 1927, c. 262, s. 61.

64.—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the regulations made applicable, is in or upon any...
railway car, street railway car, steamboat, vessel, stage, 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 disininfected, 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 shall continue 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 shall have the same authority as a medical officer of health under this section. R.S.O. 1927, c. 262, s. 62.

65. Where any 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 corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove 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 municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling house or out-house. R.S.O. 1927, c. 262, s. 63.

66. No person recovering from any communicable disease, to which this section is by the regulations made applicable, 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 which 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. 1927, c. 262, s. 64.

67. 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 which have been
exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. R.S.O. 1927, c. 262, s. 65.

68. No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. R.S.O. 1927, c. 262, s. 66.

69. (1) No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such 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 conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. R.S.O. 1927, c. 262, s. 67.

70. No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. R.S.O. 1927, c. 262, s. 68.

71. No person shall let or hire, or permit to be occupied any house or room in a house in which any 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. 1927, c. 262, s. 69.

72. 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 any communicable disease, shall knowingly make a false answer to such question. R.S.O. 1927, c. 262, s. 70.

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

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

(3) Every person contravening the provisions of this section shall incur a penalty of $100. R.S.O. 1927, c. 262, s. 71.

74.—(1) Whenever a communicable disease exists in any 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 any house of any 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 any 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 communicable 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 any boarding 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 attendance 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 inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1927, c. 262. s. 72.

FUMIGATION.

75.—(1) No person other than a fumigator licensed under the regulations shall be engaged in or perform any fumigation of premises anywhere in Ontario, except by permission in writing granted by the Minister.

(2) No fumigator shall be engaged in or perform the fumigation of any premises except under and according to the terms of a permit issued under the authority of the regulations for such premises.

(3) Every licensed fumigator shall with respect to the fumigation of any premises be responsible for the acts or omissions of his employees, servants or agents in respect of such premises. 1936, c. 51, s. 4, part.

76.—(1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws respecting fumigation not inconsistent with the provisions of this Act and the regulations and notwithstanding the provisions of clause d of section 1, such by-laws may be made to apply to the fumigation of premises irrespective of the type of compound or agent used. 1936, c. 51, s. 4, part; 1937, c. 65, s. 4.
(2) Any municipality may by by-law require that a fee of $1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation of premises, the council of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine. 1936, c. 51, s. 4, part.

(2) At least twenty-four hours before commencing fumigation operations, the fumigator shall deliver a notice in writing to every adult person residing in the premises to be fumigated and at least one adult person residing in each of the following premises,—

(a) buildings adjoining the buildings to be fumigated; and

(b) premises which form part of an apartment building or semi-detached house of which the premises to be fumigated form a part; and

(c) premises so located that the fumigation of the premises to be fumigated constitutes an actual or potential hazard to the occupants of premises so located.

(2) Every such notice shall state there is danger that a poisonous gas which is to be used in fumigation operations may enter adjoining premises and shall indicate what premises are to be fumigated, the date and day of the week of such fumigation, the hour at which fumigation operations are intended to be commenced and the approximate time during which the occupants of all such premises are required to absent themselves therefrom.

(3) All occupants of such premises shall vacate and remain out of the premises during the entire period of fumigation and airing-out and it shall be the duty of the fumigator to inform the occupants when it is safe to re-enter the premises.

(4) Every police officer, constable and other person appointed under the provisions of any Act of this Legislature for the preservation and maintenance of the public peace is empowered to remove any person from any of the buildings and premises mentioned in subsection 1 upon being satisfied that the provisions of the said subsection have been complied
with and in order to effect such removal may use such force as
is reasonably necessary.

(5) The fumigator shall see that all such premises are thor-
oughly aired out before re-occupancy. 1936, c. 51, s. 4, part.

(NOTE.—See section 5 as to power of Minister to make
regulations with respect to fumigation.)

NUISANCES.

Removal, Abatement, etc.

78. Any condition existing in any locality which is or may
become injurious or dangerous to health or prevent or hinder
in any manner the suppression of disease shall be deemed a
nuisance within the meaning of this Act. R.S.O. 1927, c. 262,
s. 73.

79. Without restricting the general application of section 78
and for greater particularity it is declared that the following
shall be deemed nuisances within the meaning of this Act:

(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 injurious or
dangerous to health;

(d) Any stable, byre 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, which is injurious or dangerous to health;

(f) Any deposit of offensive matter, refuse, offal or
manure contained in uncovered trucks or waggons at
any station or siding or elsewhere so as to be injuri-
ous or dangerous to health;

(g) Any work, manufactory, trade or business so situ-
ated 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 school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance, or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or 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 any mill, factory, dye-house, brewery, 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;

(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. R.S.O. 1927, c. 262, s. 74.

80. The medical officer of health of any 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 within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, 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 may be necessary to make such inspection or examination. R.S.O. 1927, c. 262, s. 75.

81.—(1) Every medical officer of health shall see 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 which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein. R.S.O. 1927, c. 262, s. 76.
82. 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. 1927, c. 262, s. 77.

83. Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes anything which 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, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R.S.O. 1927, c. 262, s. 78.

84.—(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 the same arises, requiring him to abate the same 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 any 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 such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. R.S.O. 1927, c. 262, s. 79.

85. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby 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 in relation to nuisances by this Act authorized with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1927, c. 262, s. 80.
86.—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same 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 any 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 may deem meet.

(3) The Judges' Orders Enforcement Act shall apply to every order made by a judge under this section. R.S.O. 1927, c. 262, s. 81.

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

(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, but shall be 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 the same are payable, shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.
Sec. 89 (1) (j). PUBLIC HEALTH. Chap. 299.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, 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 limit of sum than the amount of rent for the time being due from him, recoverable from which, 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 such 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 such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. R.S.O. 1927, c. 262, s. 82.

When Application to Supreme Court Necessary.

88.—(1) No determination or order of the Department or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a Judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of $2,000 or upwards.

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1927, c. 262, s. 83.

OFFENSIVE TRADES.

89.—(1) Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures—

(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) Fertilizers from dead animals, from human or animal waste, or

(n) Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture,

shall incur a penalty of not less than $100 nor more than $250, in respect of the establishment thereof, and a penalty 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 the establishment thereof. R.S.O. 1927, c. 262, s. 84.

90.—(1) Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than $10 nor more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence.

(2) In the event of such approval being refused by the medical officer of health, the applicant shall have the right of appeal from such refusal to the Minister, who shall cause the premises to be examined, and make such inquiries as he may consider desirable, and grant or refuse such approval, or make such order or direction as he may deem proper, which determination shall be final. R.S.O. 1927, c. 262, s. 85.

MEDICAL AND DENTAL INSPECTION IN SCHOOLS.

91.—(1) For the purposes of this section, “school board” shall mean and include any board having under the authority of statute, charge over a public, separate, continuation, high or vocational school.

(2) Any school board may enter into an agreement with the local board of any municipality to provide for the medical and dental inspection by the local board of the pupils of the school or schools under the charge of such school board situated in the municipality for which such local board is established.

(3) Where an agreement is entered into by a local board under the provisions of subsection 2, it shall have 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 per­
form all acts, matters and things necessary for the purpose.

(4) It shall not be necessary for the purposes of subsec­
tion 2 that any agreement entered into pursuant thereto shall
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 same may relate to the pupils only of
any one or more of such schools.

(5) Where any school board is desirous of entering into
an agreement with a local board pursuant to subsection 2 and
the local board refuses to enter into the same, the Minister,
upon the application of such school board and after hearing
the representations of the local board and if satisfied that the
standards established under the authority of this Act for medi­
cal and dental inspection of pupils can be provided for, may
direct that the local board shall enter into the necessary agree­
ment and provide for such inspection. 1933, c. 50, s. 6; 1934,
c. 47, s. 9.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

92.—(1) The medical officer of health or any sanitary in­
spector 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 the same
are overcrowded or occupied by more persons than is reason­
ably safe for the health of the occupants.

(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 six hundred 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 which, 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 un­
clean, and put the rooms in a condition fit for human habita­
tion. R.S.O. 1927, c. 262, s. 87.
93. 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 such premises to be closed, and may affix a notice thereon in a prominent place setting forth the reason for such 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. 1927, c. 262, s. 88.

REGULATION AND LICENSING OF BARBER SHOPS AND HAIRDRESSING ESTABLISHMENTS.

94.—(1) The council of any city, town or township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

(2) The said by-law shall not take effect until approved in writing by the Department, and when so approved shall be in force notwithstanding any provision of this Act or other regulation imposed under authority of this Act to the contrary. 1930, c. 52, s. 3; 1931, c. 58, s. 8.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

95.—(1) The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person 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
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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 the said subsection and are sold or offered for sale in any municipality other than the one in which such 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) An inspection made under this section by a veterinary surgeon or other person approved by the Department as competent shall for the purposes of this section be deemed to have been made by a competent person.

(4) The owner or occupant of any building, land or premises dissatisfied with any order, prohibition or regulation made by a medical officer of health under the provisions of this section may within seven days of notice thereof being served upon him personally, or sent by registered mail, postage prepaid, 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 shall be final and not subject to question or review in any court.

(5) Any person contravening the terms of any order, prohibition or regulation made under the provisions of this section shall incur a penalty 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. 1934, c. 47, s. 10.

INSTALLATION OF PUBLIC WATER SUPPLY.

96.—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Depart-
Department may direct change in plans.

Department to have supervision of streams, etc.

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Sec. 96 (1). Department may direct change in plans. and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Department.

(2) The Department, upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. R.S.O. 1927, c. 262, s. 90.

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

Inquiry by Department as to complaints of pollution of waters.

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

Report of Department.

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

Application to court on report of Department.

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

Court may act on report of Department or further evidence.

(5) The judge may make such order upon the report of the Department or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper. R.S.O. 1927, c. 262, s. 91.
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98.—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof, and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance, or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams, or other waters of Ontario, or on the shores or banks thereof. R.S.O. 1927, c. 262, s. 92 (1); 1931, c. 58, s. 6.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding $100. R.S.O. 1927, c. 262, s. 92 (2-4).

99. Water boards, water companies, water commissioners, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Department, make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and any such water board, water company, water commissioner, officer or other person who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of $100. R.S.O. 1927, c. 262, s. 93.

100.—(1) No sewage, drainage, domestic, commercial or factory refuse, excremental or other polluting matter of any kind whatsoever which either by itself or in connection with other matter corrupts, pollutes or impairs or may corrupt, pollute or impair the quality of the water of any source of public water supply for domestic use in any municipality, or
which renders or may render such water injurious to health shall be placed in, deposited on, or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, or be placed, deposited or discharged, or suffered to remain in, on or upon the bank or shore of any such source of water supply, or in, on or upon any lands adjacent to any such source, nor shall any person bathe or swim in the water of any such source of water supply.

(2) For the purposes of this section land adjacent to a source of public water supply shall include such surface area of land wherefrom by reason of the levels thereof or the nature and texture of the soils thereof, or rocks underlying the same, any corrupting, polluting or impairing effluent emanating from matter placed, deposited, discharged or remaining in, on or upon such land, would or may flow, percolate or seep into such source of water supply.

(3) The Department may, with respect to any source of public water supply, define and prescribe an area surrounding such source of water supply wherein none of the matters referred to in subsection 1 may be placed, deposited, discharged or suffered to remain, and give such notice of any area so defined and prescribed by publication or otherwise as the Department may deem necessary for the due protection of such source of water supply.

(4) Every person who contravenes any of the provisions of subsection 1, or who, within any area surrounding a source of public water supply after the same has been defined and prescribed by the Department, places, deposits, discharges or suffers to remain any of the matters referred to in subsection 1, shall for each offence incur a penalty of not less than $5 and not more than $100 and each week's continuance of the offence after notice by the Department or any local board to discontinue the offence, shall constitute a separate and subsequent offence for which a penalty of not less than $10 and not more than $100 shall be incurred. 1934, c. 47, s. 11.

SEWERAGE SYSTEM AND SEWAGE.

101.—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Department for its approval.

(2) The Department shall inquire into and report upon such sewer or system of sewerage, as to whether the same is
calculated to meet the sanitary requirements of the inhabitants
of the municipality, and as to whether such sewer or system
of sewerage is likely to prove prejudicial to the health of the
inhabitants of the municipality or of any other municipality
liable to be affected thereby.

(3) The Department may make any suggestion or amend-
ment of the plans and specifications or may impose any con-
dition with regard to the construction of such sewer or system
of sewerage or the disposal of sewage therefrom as may be
deemed necessary or advisable in the public interest.

(4) The construction of any common sewer or system of
sewerage shall not be proceeded with until reported upon and
approved by the Department, and no change in the construc-
tion thereof or in the disposal of sewage therefrom shall be
made without the previous approval of the Department.

(5) The Department may from time to time modify or alter
the terms and conditions as to the disposal of sewage imposed
by it, and the report or decision of the Department shall be
final, and it shall be the duty of the municipal corporation and
the officers thereof to give effect thereto.

(6) Whenever required by the Department, the clerk of
every municipal corporation having, using, owning, leasing or
controlling a sewerage system or sewage disposal plant shall
make returns to the Department upon forms to be furnished
by it of such matters as may be required by the Department
and called for by such forms, and in case of default, the clerk
shall incur a penalty of $100.

(7) The sewerage system or sewage disposal plant of an
urban municipality may, with the approval of the Department,
be continued into, or through, or be situate in an adjoining
township municipality, but before approving of any such work,
the Department shall give notice to the clerk of the township
and shall hear and consider any objections which the council
of the township or the residents therein may make to the loca-
tion of the works.

(8) When the approval of the Department has been ob-
tained, the corporation of the urban municipality may enter
upon, take and use such lands in the township as may be neces-
sary, and for that purpose shall have and may exercise the
same powers within the township as it has within its own
municipality, and paragraph 53 of section 405 of The Munici-
pal Act and clauses a and b following the said paragraph shall
not apply.
The Department may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same.

Before acting under the provisions of subsection 9, the Department shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which it is proposed to locate a sewage disposal plant, and the Department shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

Where the Department has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work, shall apply to the Ontario Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Upon such application the Ontario Municipal Board may make an order,—

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on, and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 88 of The Registry Act shall not apply;

(b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the said Board may deem just;

(c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant...
is proposed to be located, shall be terminated and shall 
be no longer operative or binding upon or against any 
person or persons, and direct that any such order be 
registered under the provisions of The Registry Act;

(d) fixing the compensation to be paid for lands taken or 
injured in the construction of such works.

(13) The registration of any order under clause (c) of sub-
section 12, shall be a bar to any action or proceeding taken 
by any person or corporation claiming any right or benefits 
under or by reason of any such restrictions, covenants, in-
terests, estate or title in the lands described in the order.

(14) The Ontario Municipal Board shall have jurisdiction 
to inquire into, and hear and determine any application by or 
on behalf of any person or corporation interested complaining 
that any urban municipality constructing, maintaining or oper-
ating any sewage disposal system, or plant, or having the con-

trol thereof,——

(a) has failed to do any act, matter or thing required to 
be done by an Act or regulation, order or direction, 
or by any agreement entered into by the corporation; or

(b) has done or is doing any act or is failing to do any 
act and that such act or failure is causing depreda-
tion, loss, injury or damage to any property of any 
owner, and the said Board may make any order, 
award or finding in respect of any claim of damage 
or injury, as it may deem just.

(15) The jurisdiction of the Ontario Municipal Board 
under this section shall be conclusive and all claims for injury 
or damages or any other matter arising under the provisions 
of this section relating to the construction by an urban munici-
pality of a sewage disposal plant in a township municipality, 
shall be heard and determined by the Board and The Ontario 
Rev. Stat. Municipal Board Act, so far as it is practicable, shall apply to 
every application and order made to or by the Ontario Munici-

tal Board under this section.

(16) Where a sewage disposal plant or any connection 
therewith is constructed by an urban municipality in a town-
ship, the council of the urban municipality and the council of 
the township may enter into an agreement for the connecting 
with and use of such sewage disposal plant or connections by 
the township municipality and residents thereof on such terms 
as may be mutually agreed upon. R.S.O. 1927, c. 262, s. 95.
Sewage disposal plant in another municipality.

(17) Where the corporations of the urban municipality and the township do not agree, as provided in subsection 16, as to the right of the township and the inhabitants to make use of such sewage disposal plant or as to the terms of such use, the Ontario Municipal Board upon the application of the corporation of the township may make an order conferring the right to make use of such sewage disposal system upon the township and upon the inhabitants thereof whose properties are adjacent thereto, and the terms and conditions as to such usage.

Township may collect agreed amount as taxes.

(18) The corporation of the township may assess and collect as taxes whatever amount may be agreed upon with the urban municipality for every sewer connection to the sewage disposal plant or any connection therewith under subsection 17 in the same manner and to the same extent as if the same constituted a public utility owned by the township.

Right to connect with plant.

(19) Where the township does not apply to the Ontario Municipal Board as provided in subsection 17, the owner of any residence or dwelling in the township in proximity to the sewage disposal plant or to any connection therewith, may apply to the said Board for an order declaring that such owner shall have the right to connect his property with such sewage disposal plant or any connection therewith. 1928, c. 45, s. 3.

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

102.—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 96 and 101 until the proposed water supply or sewerage system, as the case may be, has been approved by the Department, and such approval has been certified under the hand of the Minister.

(2) The by-law shall recite the approval of the Department. R.S.O. 1927, c. 262, s. 96.

Approval of by-laws by Ontario Municipal Board.

103. The Ontario Municipal Board may, pursuant to The Ontario Municipal Board Act, approve any by-law for raising money for any of the works or purposes mentioned in sections 96 and 101 and may certify to the validity of debentures issued thereunder upon the presentation of a certificate of the Department approving the said works, notwithstanding that the certificate of approval by the Department was not obtained prior to the passing of the by-law or that the by-law does not contain a recital of such approval. 1933, c. 50, s. 7.

Assent of electors not required.

104.—(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 purifica-
tion 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 shall not be necessary to obtain the assent of the electors to any 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 a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same 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 until as hereinbefore provided and shall recite such approval. R.S.O. 1927, c. 262, s. 97.

105.—(1) The municipal council of a city having a population of not less than 100,000 may with the approval of the Ontario Municipal Board provide by by-law for the issue of debentures for the purpose of raising money to procure investigations and reports as to the method of sewage treatment and disposal best suited to meet the needs of the municipality.

(2) It shall not be necessary to procure the assent of the electors to any by-law passed pursuant to subsection 1.

(3) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor. 1928, c. 45, s. 4.

106. Every waterworks system, water purification plant, sewer and sewerage system and sewage treatment plant, and appurtenances thereof, established for public use, shall at all times be maintained, kept in repair and operated so as to best secure the protection of the public health, and in such manner and for such purposes as may be directed by any special order of the Department or by the regulations. 1931, c. 58, s. 7.

107. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either section 104 or 106, after notice from the Department so to do, shall incur a penalty of $100 for every day upon which such default continues. R.S.O. 1927, c. 262, s. 99.
108. (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 same 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 within or without the municipality, whenever the ice is intended for use within 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 same 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 within the limits of the municipality, when, in its judgment, the same 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 limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of 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. 1927, c. 262, s. 100.

109.—(1) A medical officer of health 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 same, 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 same belongs, or did belong, at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than $10 nor more than $100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any 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 the same to be made.

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

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

(6) A person, firm or corporation shall not 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 such 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 such cancellation to the person or persons or the agent of the person or persons to whom the permit was issued and such cancellation shall not become effective until thirty days after receipt of such notice by the said person, persons or their 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 man

factory 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. 1927, c. 262, s. 101.

**110.**—(1) Whenever any medical officer of health or sanitar-
ary inspector knows or has reason to believe that blood, offal
or the meat of any dead animal which has not been previously
boiled or steamed when fresh or before becoming putrid or
decomposed, or which, 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.

**Penalty.**

(2) The owner, or person in charge of, or any person found
feeding any such blood, offal or meat to hogs shall incur a
penalty of not less than $5 nor 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.

**Onus of proof.**

(3) In every prosecution under this section, where it is
proved that such blood, offal or decomposed meat was found
upon the premises, the burden of proof that the same was
not intended to be fed to hogs shall be upon the person charged.
R.S.O. 1927, c. 262, s. 102.

**111.**—(1) Every butcher and other person selling meat
shall on the request of the medical officer of health make af-
davit as to the place at which the slaughter of his meat is
carried on, and where it is without the limits of the munici-
pality, such place shall be open to inspection by the medical
officer of health or by an inspector appointed by the council
of the municipality in which the meat is offered for sale.

**Notice to discontinue sale.**

(2) In 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.

**Penalty.**

(3) If after receiving such notice, the butcher or other
person sells or offers for sale any meat in the municipality,
he shall incur a penalty not exceeding $20. R.S.O. 1927, c. 262,
s. 103.

**112.**—(1) Any person who knowingly sells, or has in his
possession with intent to sell as food for man, the meat of
any calf less than three weeks old shall incur a penalty of
not less than $10 nor more than $50.
(2) In every prosecution under this section, where it is proved that the meat of any calf less than three weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. R.S.O. 1927, c. 262, s. 104.

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

113.—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which 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 therein of animals intended for slaughter, and for charging fees for the use thereof.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1927, c. 262, s. 105.

114. The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be 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 of health. R.S.O. 1927, c. 262, s. 106.

115. Such local board may employ one or more persons, competent approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1927, c. 262, s. 107.

116. Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1927, c. 262, s. 108.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

117. Any person who obstructs, hinders, or delays or prevents 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, shall incur a penalty of not less than $25 nor more than $100. R.S.O. 1927, c. 262, s. 109.

118. 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 shall be the duty of every constable so called upon to render such assistance. R.S.O. 1927, c. 262, s. 110.

**PENALTIES AND RECOVERY THEREOF.**

119.—(1) Any person who contravenes any of the provisions of sections 55 to 77 for which no other penalty is provided shall incur a penalty of not less than $25 nor more than $100. R.S.O. 1927, c. 262, s. 111 (1); 1936, c. 51, s. 5.

(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 wilfully 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 shall incur a penalty of not less than $5 nor more than $500.

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which 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 shall be 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 shall not be 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 shall incur a penalty of $100, and in default of payment thereof shall be liable to imprisonment for a period of three months. R.S.O. 1927, c. 262, s. 111 (2-4).

120. Penalties imposed by or under the authority of this Act shall be recoverable under The Summary Convictions Act before a magistrate or two justices of the peace. R.S.O. 1927, c. 262, s. 112.

121.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation 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 penalty shall be paid to the Treasurer of Ontario. R.S.O. 1927, c. 262, s. 113.

122. Where any act or omission is a violation of any express provision of this Act and is also a violation 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. 1927, c. 262, s. 114.

ALL PROCEEDINGS BARRED BY POVERTY, ETC.

123. Where any 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 shall be a bar to all proceedings against such person for a period of six months. R.S.O. 1927, c. 262, s. 115.
124.—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereto, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the Department for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

(2) The Department may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Department, may warrant such amendment.

(3) The by-law set out in Schedule B and any amendment thereto approved by the Department shall have the same force and authority as a regulation made under this Act by the Department. R.S.O. 1927, c. 262, s. 116.

125.—(1) Where the Minister reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease, it would be dangerous to hold an election in such 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 such 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. 1927, c. 262, s. 117.

126. Sections 127 to 133 shall apply only to territory without county organization. R.S.O. 1927, c. 262, s. 118.

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

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

(b) for the cleansing, regulating and inspection of lum­
bering camps and of mining camps and railway con­
struction works and of other places where labour is
employed;

(c) for providing for the inspection of houses and
premises;

(d) for providing for the employment of duly qualified
medical practitioners by employers of labour in lum­
bering camps and in mining camps and on railway
construction works and other works where labour is
employed, and for the erection of permanent or tem­
porary hospitals for the accommodation of persons so
employed.

(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, firms or
corporations whose duty it may be to carry out such regula­
tions, and the amount so to be paid shall be apportioned by
the Minister among them as he may deem proper, and every
amount so apportioned shall be deemed to be a debt due from
the person, firm or corporation, 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 regula­
tions, the Department may direct that what is omitted to be
done shall be done at the expense of the person, firm of cor­
poration 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, firm or corporation shall be
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
the provisions of this section relating to territory without munici­
apal organization, the regulation may provide for the imposing
of penalties for the violation of any regulation made under this
section and every such penalty shall be recoverable under The
Summary Convictions Act before a magistrate or two justices c. 136.
of the peace. R.S.O. 1927, c. 262, s. 119.
Magistrates to be 
ex officio 
health officers.

128. Every magistrate shall be ex officio a medical officer of health in and for the district or part of a district for which he is appointed. R.S.O. 1927, c. 262, s. 120.

Constables to be 
ex officio 
sanitary inspectors.

129. Every constable shall be ex officio a sanitary inspector for the locality for which he is appointed. R.S.O. 1927, c. 262, s. 121.

Superintendent and 
officers in 
Algonquin Park.

130. The Superintendent of the Algonquin Park shall be 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, shall be ex officio sanitary inspectors under this Act for the Park and such territory. R.S.O. 1927, c. 262, s. 122.

Local 
officers of 
health specially 
appointed.

131. The Lieutenant-Governor in Council may appoint medical officers of health, and every such officer shall within the locality for which he is appointed have all the powers and 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 may direct. R.S.O. 1927, c. 262, s. 123.

Sanitary 
inspectors.

132. The Minister may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall 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. 1927, c. 262, s. 124.

In unorganized 
territory.

133. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1927, c. 262, s. 125.

EXPENSES OF ENFORCEMENT OF ACT.

134. (1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Department, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in The Audit Act or any other Act to the contrary notwithstanding.
(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 shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1927, c. 262, s. 126.

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

135. 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. 1927, c. 262, s. 127.
Duty of medical health officer.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health for Ontario. He shall also present to the said board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

Duty of sanitary inspector.

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 may from time to time be assigned to him by the local board of health or the medical officer of health.

Chairman of board of health to report to council.

3. The chairman of the local board of health shall, before the 1st day of December 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.

Deposits endangering public health forbidden.

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 which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, 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. It shall be a duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to 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 violation 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 shall appear 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 this 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, it shall be the duty of the sanitary inspector to 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, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 35 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 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 may deem 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 shall be liable to the penalties mentioned in section 35 of this by-law, and the board may cause the premises to be properly cleansed 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 outhouse as a slaughter-house or as a place for slaughtering animals or fowl therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than fifty yards from any public street.

9. All slaughter-houses within this municipality shall be 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 this municipality shall be subject to like inspection.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries shall be 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 shall 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, the said permission may be revoked by the board.

11. No person shall offer for sale within this 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. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water, 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 shall be 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 should 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 shall 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 shall 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 this municipality no night-soil or contents of any cesspool, septic tank or reservoir shall be removed, unless the removal is by some odourless process.
18. It shall be the duty of the owner of every house, apartment, and place of business within this municipality to 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 the same or by placing it in a properly covered receptacle, the contents of which shall be regularly removed, at least twice a week.

21. All restaurants or eating houses operated in this 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 limits of this municipality, except in pens, with floors kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

23. The keeper of every livery or other stable shall keep his stable clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same 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 such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by 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 drain of every house connected with a sewer or cesspool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cesspool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

26. No pipe from any drain or soil pipe shall be connected with any chimney in a dwelling-house.

27. Every house-drain shall be constructed of vitrified earthenware or iron pipe, and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house, and all joints shall be so constructed as to prevent gas escaping through them.

28. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.
Pipes supplying water to closets.

30. Every person who erects or causes to be erected any building shall, within two weeks after the completion thereof, deposit with the local board of health plans of the drainage and plumbing of the same as executed, and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration. If such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

Plumbing and drainage plans to be filed.

Rules respecting infectious and contagious diseases.

Duties of M. O. H.

31. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner, practising within this 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.

Forms, kind of.

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

Report of Communicable Disease.

Christian 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.

Christian 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):

R.S.O. 1927, c. 262, Sched. B., part.

Placarding communicable disease and contacts.

33. 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 removal of such card without the permission of the medical officer of health, and no person shall remove such card without his permission. R.S.O. 1927, c. 262, Sched. B., part.

Animals affected.

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

Penalties.

35. Any person who violates section 4, 6, 7, 9, 11, 24, 33 or 34 of this by-law shall for every offence, incur a penalty of not less than $5 nor more than $50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than $20; and such penalties shall be recoverable under The Summary Convictions Act.

R.S.O. 1927, c. 262, Sched. B., part.