

# NUISANCE AND GENERAL SANITATION REGULATION

## Table of Contents

**1** Definitions

Part 1  
Nuisance

### General

**2** Prohibition

**3** Duty to inquire

**4** Disposal of things

### Toilet Facilities

**5** Location, maintenance, etc.

**6** Privies at fairs, etc.

**7** Indoor toilet facilities

### Waste Storage and Removal

**8** Storage of garbage and refuse

**9** Garbage at fairs, etc.

### Disposal of Dead Animals

**10** Disposal of dead animals

Part 2  
Potable Water

### Water Supplies

**11** Water must be potable

**12** Maintenance of equipment

**13** Water tanks

**14** Cisterns

Wells

**15** Location and maintenance of wells

Part 3

Public Beaches

**16** Water quality standards

**17** Notice

Part 4

Repeals and Expiry

**18** Repeal

**19** Expiry

Schedule

Definitions

1 In this Regulation,

(a) "Act" means the *Public Health Act*;

(b) "beach" means any natural body of water intended by the operator to be used for recreational swimming or bathing, and includes the shore, grounds, buildings and equipment used in connection with the body of water;

(c) "constructed beach" means a body of water that

(i) is artificially created,

(ii) has a depth of more than 600 millimetres at any point, and

(iii) has as its principal intended use recreational swimming or bathing,

and includes the shore, grounds, buildings and equipment used in connection with the body of water, but does not include a swimming pool or wading pool as defined under the *Swimming Pool Regulation* (AR 247/85);

(d) "executive officer" means an executive officer within the meaning of section 9 or 16 of the Act;

(e) "health region" means a health region established under the *Regional Health Authorities Act*;

(f) "nuisance" means a condition that is or might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease;

(g) "owner", with respect to land or a premises, means the registered owner and any person in the actual or apparent possession or control of the land or premises;

(h) "potable water" means water that is safe for human consumption.

## Part 1 Nuisance

### General

### Prohibition

**2(1)** No person shall create, commit or maintain a nuisance.

**(2)** Without limiting the generality of subsection (1), a person who creates, commits or maintains

(a) any premises in a condition that

(b) any street, pool, ditch, gutter, watercourse, sink, cistern, water closet, privy, urinal, cesspool or drain in a condition that

(c) any well, spring or other water supply, or any ice supply in a condition that

(d) any stable or other building in which birds or animals are kept in such a manner or in such numbers that it

(e) any accumulation or deposit of offensive matter, waste or manure wherever situated, that

(f) any work, trade or business so situated that

(g) any chimney emitting smoke or other aerosol in a quantity or in a manner that

(h) any building that, due to

(i) its not being in a clean state,

(ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal, or

(iii) lack of ventilation in it sufficient to render harmless any gases, vapours, dust or other impurities generated in it,

is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

#### Duty to inquire

3 An executive officer who receives a complaint alleging the existence of a nuisance in the health region in which that person is designated an executive officer shall inquire into the substance of the complaint.

#### Disposal of things

4 Where, pursuant to section 62 of the Act, an executive officer abates or removes or orders the abatement or removal of any thing that is or is likely to become a nuisance, the executive officer may dispose of the thing in any manner the executive officer considers proper, and the owner of the thing has no claim in respect of it.

#### Toilet Facilities

Location, maintenance, etc.

5 The owner of an outdoor privy shall ensure that

- (a) the outdoor privy
  - (i) is located and maintained so that no nuisance is created,
  - (ii) is maintained in a clean and sanitary condition and in good working order, and
  - (iii) is protected so that vermin do not have access to the contents,
- and

(b) in the case of an outdoor pit privy, the contents are covered with earth or other suitable material when the outdoor pit privy is abandoned or removed.

Privies at fairs, etc.

**6(1)** The operator of a fair, exhibition, sport day, festival, social, concert, carnival or other similar gathering shall ensure that

- (a) temporary outdoor privies are provided at the event in the number determined in accordance with the Schedule, and
- (b) hand washing facilities are provided at or near the outdoor privies.

**(2)** Subsection (1) only applies

(a) where other toilet facilities are not provided at the event, or

(b) where other toilet facilities are provided at the event but are fewer in number than the number required by the Schedule, in which case temporary outdoor privies must be used to supplement the other facilities to the total number required by the Schedule.

Indoor toilet facilities

7 The owner of a public place at which toilet facilities are provided shall ensure that

(a) the toilet facilities are installed and maintained so that they are accessible to the persons for whom they are intended,

(b) the toilet facilities are maintained in a clean and sanitary condition and in good working order, and

(c) hand washing facilities are provided at or near the toilet facilities.

Waste Storage and Removal

Storage of garbage and refuse

**8(1)** Subject to subsection (4), any person having garbage or refuse to dispose of shall keep it, until it is collected for final disposal, in flyproof and waterproof containers constructed in accordance with this section.

**(2)** Garbage and refuse must be held in containers constructed of metal or other substantial and impervious material.

**(3)** Where plastic bags are used to keep garbage or refuse, other than lawn cuttings or similar material, the plastic bags must be properly closed and held in cleanable enclosures made from suitable substantial material.

**(4)** Subsections (1) to (3) do not apply where there is a municipal bylaw in effect respecting the matters dealt with by those subsections.

Garbage at fairs, etc.

9 The operator of a fair, exhibition, sport day, festival, social, concert, carnival or other similar gathering shall ensure that

(a) the grounds are provided with receptacles for garbage and refuse in a number, of a type and located so as to adequately meet the needs of the event, and

(b) garbage and refuse are removed from the grounds in a timely manner.

Disposal of Dead Animals

## Disposal of dead animals

10 Where an animal dies or is accidentally killed and the owner or person in possession of the animal is unknown, cannot be found or neglects to dispose of it, an executive officer may, by notice in writing, require the municipality in which the carcass is located to immediately dispose of it.

## Part 2 Potable Water

### Water Supplies

#### Water must be potable

11 Where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable.

#### Maintenance of equipment

12 Where under any law a potable water supply is required to be provided in or at any public place, the owner of the public place shall ensure that the equipment used for the transmission, treatment and storage of the water is maintained in adequate operating condition and in a clean and sanitary condition.

#### Water tanks

13**(1)** The owner of a water tank or other receptacle on a vehicle used to hold a potable water supply for delivery for consumption by the public shall ensure that the tank or other receptacle

- (a) is maintained in a clean and sanitary condition, and
- (b) is not used for any other purpose.

**(2)** A person supplying or delivering a potable water supply for consumption by the public by means of a tank or receptacle referred to in subsection (1) shall ensure that

- (a) the water is protected from contamination, and
- (b) the pumps, hoses and other equipment used in the supply or delivery are maintained and operated in a clean and sanitary condition.

#### Cisterns

14 The owner of a cistern that is used to hold a potable water supply intended for consumption by the public shall ensure that the cistern

- (a) is maintained in a clean and sanitary condition, and

- (b) is not used for any other purpose.

## Wells

### Location and maintenance of wells

**15(1)** No person shall locate a water well within

- (a) 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system,
- (b) 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor pit privy,
- (c) 30 metres of a leaching cesspool,
- (d) 50 metres of sewage effluent on the ground surface,
- (e) 100 metres of a sewage lagoon, or
- (f) 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the *Waste Control Regulation* (AR 192/96).

**(2)** No person shall

- (a) locate a watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system within 10 metres of a water well,
- (b) locate a weeping tile field, an evaporative treatment mound or an outdoor pit privy within 15 metres of a water well,
- (c) deposit sewage effluent on the ground surface within 50 metres of a water well,
- (d) locate a sewage lagoon within 100 metres of a water well, or
- (e) locate a landfill so that an area where waste is or may be disposed of is located within 450 metres of a water well.

## Part 3

### Public Beaches

#### Water quality standards

**16(1)** No person shall operate or permit the operation of a beach or constructed beach unless the water quality in the swimming or bathing area meets at least one of the following standards:

- (a) the geometric mean of bacteriological counts from not fewer than 5 samples of water from the swimming or bathing area taken over a 30-day period

does not exceed 200 faecal coliforms per 100 millilitres of water, calculated in accordance with the following formula:

$$\text{geometric mean} = \sqrt[n]{X_1 \cdot X_2 \cdots X_n}$$

where x is the bacteriological count per 100 millilitres of water in each sample and n is the number of samples;

(b) no 2 consecutive samples of water from the swimming or bathing area have a bacteriological count in excess of 400 faecal coliforms per 100 millilitres of water.

**(2)** Subsection (1) applies whether or not a fee or other charge is imposed in respect of the swimming or bathing.

#### Notice

17 Where the water quality in swimming or bathing areas of a beach or constructed beach does not comply with section 16(1), an executive officer may erect a notice or require the owner or operator to erect a notice to the effect that the beach or constructed beach is unfit for swimming or bathing.

#### Part 4 Repeals and Expiry

##### Repeal

18 The *Nuisance and General Sanitation Regulation* (AR 242/85) is repealed.

##### Expiry

19 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 1, 2012.

Schedule

Section 6

Number of Persons	Minimum Number of Temporary Outdoor Privies	
	Male	Female
1 - 25	1	
Number of Persons of Each Sex		
26 - 50	1	2
51 - 75	2	3
76 - 100	2	4
101 - 150	3	5
151 - 200	4	6
201 - 300	5	7
301 - 400	6	8
over 400	7 plus 1 for each	9 plus 1 for each additional 150

additional 200

For the purposes of this Schedule, unless the actual proportion of each sex attending the event can reasonably be anticipated, it shall be considered that attendance will be equally divided between the sexes.