

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 509

A BY-LAW for the preservation of Public Health.

WHEREAS it is advisable to make provision for the preservation of public health, including the sanitary condition of the Municipality of Burnaby.

THEREFORE the Municipal Council of the Corporation of the District of Burnaby hereby ENACTS as follows:-

Interpretation

1. In this By-law, unless the context otherwise requires:-

Whenever the word "herein" is used in any section of this By-law it is to be understood as relating to the whole By-law and not to that section only unless the context otherwise requires;

The word "street" except where otherwise provided shall mean and include, streets, lanes, boulevards, ways, drives, places, and sidewalks within the Municipality;

The word "person" shall include any corporation, or party, and the heirs, executors, administrators, or other legal representatives of such person to whom the context can apply according to law;

The word "owner" shall be held and construed to mean and include the owner or his tenant, duly authorized agent or any other person having any right or interest in a property other than a person who holds an interest in such property as security only and who is not in possession thereof;

The word "Municipality" means the Municipality of Burnaby;

The word "Corporation" means the Corporation of the District of Burnaby;

The word "animal" shall mean any sheep or goat, except a mountain sheep or mountain goat, and any cow;

The word "fowl" shall mean any turkey, geese, duck, barn-door fowl, or other poultry;

The expression "fur-bearing animal" shall mean and include

any fox, beaver, marten, mink, musk-rat, otter, racoon, skunk, or rabbit;

The word "kennel" shall mean any place where five or more dogs are kept;

The word "cattery" shall mean any place where five or more cats are kept for commercial purposes;

The expression "game animal" shall mean any mountain sheep or mountain goat; any of the deer family whether known as moose, caribou, deer, or wapiti; or any bear;

The expression "game bird" shall mean a "game bird" within the meaning of the Game Act in force for the time being in the Province of British Columbia;

Words importing the singular number or the masculine gender only shall include mere persons, parties, or things of the same kind than one, and females as well as males and the converse;

2. No person within the Municipality shall suffer or permit the accumulation upon, or escape from, any premises of which he is owner, or occupier, or deposit or permit the deposit upon any land of which he is the owner or occupier or which is under his control of anything that would endanger or that would be likely to endanger the public health.

3. No person within the Municipality shall deposit or suffer or permit to be deposited in or upon, or into any street, square, lane, by-way, wharf, dock, slough, lake, pond, bank, harbor, river, stream, or water, any manure or other refuse, or vegetable, or animal matter or filth of any kind, or any dead animal.

4. No person within the Municipality shall suffer or permit to be upon any land or premises within the Municipality of which such person is owner or occupier, or which such person has under his control, any stagnant water, tin cans, waste paper, rags, dead birds, fowls or animals, remnants of food or other rubbish or garbage of any kind whatsoever.

5. No person shall within the Municipality offer for sale as food any diseased animal or any meat, fish, fruit, vegetables, milk,

or any other article of food, drink or drugs which, by reason of disease, adulteration or impurity or any other cause, shall be unfit for use.

6. Every owner and every occupier of a house within the Municipality shall at all times provide for the occupants of the same a sufficient supply of pure and wholesome drinking water.

7. In case the water supply as aforesaid is drawn from a well the owner of the dwelling house of which the occupants draw their water supply in whole or in part from such well, shall cause the well to be cleaned out on or before the 15th. days of March and October in each year. In case the Health Inspector for the Corporation certifies that any such well as aforesaid should be filled up, the owner of the premises, the occupants of which draw their water supply in whole or in part from such well, shall forthwith fill up the same.

8. Every well which is not in use shall be forthwith filled up by the owner of the premises in which such well is situated upon demand by the Corporation or its Health Inspector or agent.

9. No person shall within the Municipality bathe, wash, or cleanse any wool, cloth, leather skins, or animals, or put or cause to be placed any dead animal, or part of the carcass of any dead animal, or any decayed or filthy animal or vegetable matter, in or near any stream or the tributary of any stream or well from which water is drawn, taken or used for domestic purposes; or shall cause, permit, or suffer any sewage, washings, or other offensive matter from any sink, privy-closet, cesspool, factory, trades establishment slaughter-house, wash house, tannery, or other place over which he shall have control, to flow or percolate thereinto, or into any drain or pipe communicating therewith; or cause any other thing to be done whereby the water supply of any community or household is in anywise tainted or fouled, or rendered unfit for drinking or domestic purposes.

10. Every owner of any house within the Municipality shall

forthwith connect his house with the water mains of the public supply furnished by the Corporation whenever such water mains, or any of them, extend to or pass by or within thirty three feet of his property.

11. Every owner of "real property" as defined by Section two (2) of the Municipal Act, fronting or abutting on a street or on land in or under which a branch main or common sewer is laid shall connect any building on such real property with such branch, main or common sewer, and in the event of such owner failing to connect any such building with a sewer as aforesaid within such time as may be specified in writing by the Engineer of the Corporation, he shall be guilty of an infraction of this By-law and the work of connecting any such building with a sewer may be done by the Corporation at the expense of the owner of such building or real property, and such owner shall be liable to the Corporation for the costs and expenses connected with the carrying out of such work, and the total amount of such costs and expenses shall be a debt recoverable from such owner by action brought by the Corporation in any Court of competent jurisdiction.

Dwelling Houses

12. No person shall let or occupy, or suffer to be occupied as a dwelling or lodging any room which:-
- (a) Does not contain at all times at least 384 cubic feet of air space for each person occupying the same; or
 - (b) Has not a window made to open in the manner approved by the Building Inspector or other officer of the Corporation duly authorized for that purpose; or
 - (c) Has not appurtenant to it the use of a water closet or earth closet, constructed according to this By-law and the By-laws of the Corporation for the time being in force regarding plumbing.

Provided that every room in which a person passing the night or is found between midnight and 5 o'clock in the forenoon, shall be deemed to be occupied as a dwelling or

lodging within the meaning of this section.

13. No person shall build any house in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site and the site disinfected, or unless the said soil shall have been covered with a layer of charcoal, 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. The word "site" in this section to mean the portion of ground to be covered by the house so to be built.

14. No person within the Municipality shall establish, construct or use a privy-closet unless the same be an earth closet approved by the Plumbing Inspector of the Corporation, consisting of a water-tight receptacle placed above the surface of the ground and so arranged that it may be emptied or removed through a hinged door or lid and no out door privy-closet shall be located within twenty (20) feet of any dwelling house. Every occupier of any premises where any earth closet is used shall throw or cause to be thrown upon the contents thereof daily or after each use of same, sufficient dry earth or coal ashes to absorb all the fluid parts of the deposit, and shall empty and ultimately dispose of the contents of such earth closet once each month or more frequently if and when so directed by the Health Inspector or other officer of the Corporation appointed for the purpose. The ultimate disposal of said contents shall be as follows: They shall forthwith upon removal from the closet be further mixed with earth and may be deposited on the surface of any land intended for cultivation, in which case they shall be forthwith spaded or ploughed under, so as to be entirely covered with earth to a depth of three (3) inches; in all other cases the said contents so mixed with earth shall be deposited at a dumping ground and shall be further mixed with earth and placed in trenches not deeper than thirty (30) inches and be entirely covered with earth to a depth of three (3) inches.

15. The contents of any privy-closet shall not be removed until they shall have been deodorized by mixing with them a sufficient quantity of dry earth or coal ashes to absorb all moisture, and at all times thereafter until the ultimate disposal thereof as aforesaid, the contents so deodorized shall be kept covered with a layer of fresh earth of sufficient depth to prevent any odor from escaping therefrom.

Disposal of liquid waste

16. Every household within the Municipality shall dispose of all chamber slops, waste waters, from kitchens, sink, laundry, bath, or wash bowls, or other liquid waste, by one of the following methods of application to land, subject to the approval of the Medical Health Officer of the Corporation:

First: By draining into a public system of sewerage; or

Second: By leading or draining the same into a water-tight cess-tank made of galvanized iron, or cement concrete, or brick set in cement, branching from which is a system of sub-soil irrigation drains laid between ten (10) and fourteen (14) inches below the surface of the soil, and so arranged that the sewage may be discharged intermittently or alternately through different portions of the system; or

Third: By throwing the same upon, or irrigating, or submerging with the same, different plots of land in alternation, or in an intermittent manner. Where the land used for this purpose is non-porous or damp, deep absorption drains shall be laid not less than three (3) feet below the surface of the ground, or such other artificial preparation of the land shall be made, and such attention shall be given to removing, spading in, or covering with earth, any non-absorbable matters as in the opinion of the said Medical Health Officer may be necessary.

17. If, on the household's premises, sufficient or suitable land for the purpose of irrigation is not available, such household shall, at his own expense, remove any one or all of the liquid waste hereinbefore mentioned, whether by carting away daily or by drainage, to such place as in the opinion of the said Medical

Health Officer they may be safely deposited; or if the said Medical Health Officer shall so require, the householders shall cause the said liquid waste to be passed through an approved filtration tank or bed before being discharged into any drain or stream or upon any land.

18. No solid refuse or waste matter of any kind shall be deposited in any stream so as to obstruct its flow, or put into any stream or lake, so as to pollute its waters, and no solid or liquid sewage matter or any poisonous, noxious, or polluting liquid of any kind proceeding from any source, shall be passed into any stream or lake unless the same shall have been sanctioned by the said Medical Health Officer and the best means shall have first been adopted to purify the same.

19. No person shall throw, draw off, or allow to run into or upon any public ground, street or open drain, the contents, or any part thereof, of any vault, water-closet, privy, cess-pool or sink, or any filthy matter of any kind.

Keeping of fur-bearing and other animals

20. Every person who keeps animals, or fur-bearing animals, or game-animals, or who maintains or conducts a hospital for the care, maintenance, and treatment of animals within the Municipality shall file at the office of the Health Inspector of the Corporation a description of his premises and animals.

21. It shall be unlawful for any person to keep within the Municipality any animal, fur-bearing animal, or game animal, or any dog kennel, or cattery, for the breeding of dogs or cats for sale unless he shall have first made application to, and shall have received a permit so do to from the Health Inspector of the Corporation.

22. The Health Inspector of the Corporation, shall on the receipt of such application, and within seven (7) days after such receipt, inspect the premises in which the applicant proposes to keep the animal mentioned in such application, and if upon inspection, he shall find that the provisions of this and other By-laws of the Corporation have been complied with, he shall issue a permit; other-

wise he shall refuse to grant such permit.

23. It shall be unlawful for any person to keep any animal, fur-bearing animal or game-animal within the Municipality unless the owner thereof shall have received a certificate from a duly qualified veterinary surgeon that such animal, fur-bearing animal or game-animal is not affected with tuberculosis.

24. Any person keeping any animal, fur-bearing animal or game animal shall, on demand by the Health Inspector of the Corporation produce the certificate mentioned in the preceding section for inspection, and any person refusing to produce such certificate for inspection shall be guilty of an infraction of this By-law.

25. It shall be unlawful for any person to keep any animal, fur-bearing animal or game animal in the Municipality unless the premises upon which such person proposes to keep such animal contains a clear, open and unobstructed ground area of not less than six thousand (6000) sq. ft. or its equivalent for every such animal, save and except rabbits and muskrats, and any in excess shall be figured on the above basis. No person shall keep or permit to be kept, any such animal in any building used for human habitation, or in or beneath any building connected with any building used for habitation.

26. Every keeper of animals shall provide a stable to accommodate such animals as he may keep, and before erecting such stable he shall deposit with the Clerk of the Corporation a plan upon which shall be endorsed the certificate of the Health Inspector, that the provisions of this and other By-laws of the Corporation have been complied with; and any person keeping any animals in a stable in the Municipality, the dimensions and specifications whereof fail to comply with the provisions of this By-law shall be guilty of an infraction of this By-law and be liable to the penalties thereof.

27. No person shall within the Municipality keep any fowls or game birds except in houses and enclosures so constructed as to prevent any fowl or game birds escaping therefrom, and every such house and enclosure shall be regularly cleaned and disinfected and kept free from any offensive or disagreeable odor.

28. No fowl or game birds shall be kept in or beneath any

house or place where any person shall sleep or eat, or in or beneath any building or place attached to or connected with any such house or place.

Stables

29. Every stable where any animal is kept within the Municipality shall comply with the following requirements and shall have:

(a) A clear cubic air space of not less than five hundred (500) feet for each animal stabled therein.

(b) The floor area of such stable shall be at least sixty two and one-half (62½) square feet, or shall be in proportion of not less than twelve and one-half (12½) per cent. of the total air space.

(c) The height of the ceiling shall, in the inside of such stable, be not less than eight (8) feet, measured perpendicularly from the floor to the ceiling.

(d) The floor of the stable shall be constructed of cement four (4) inches thick, or some other impervious material, so that the floor shall be watertight at all times; and having a fall of two (2%) per cent. for the whole floor so that all liquid matter shall drain to a gully trap situated on the outside of the stable, and having the lowest part of such floor not less than six (6) inches above the lowest level of ground adjoining the stable.

Planking may be used for the stall, provided it is laid on top of the cement in such a manner that it can be taken up for cleaning or repairing.

(e) Each stable shall be ventilated either by a shaft ventilator the area of which shall be One hundred and forty-four (144) square inches (continued through the entire length of the shaft and carried to a point at least two (2) feet above the highest point of the roof of the stable) for each animal; unless such ventilation shall be provided for by openings in the walls near the ceiling, such openings shall be of not less than one hundred and forty four (144) square inches for each animal.

(f) Each stable shall be lighted by a window admitting unobstructed natural daylight, the glass area of which shall equal

one-tenth of the total floor area.

(g) Where possible, Corporation water shall be laid to the stable, and provided with a bib tap, so that the stable may be periodically cleaned by flushing.

(h) Every stable shall be kept at all times in good repair.

(i) Every stable shall be limewashed during the first week of March and August of each year and oftener whenever notified so to do by the Health Inspector.

(j) All stable yards and premises shall be kept clean and sanitary at all times.

(k) All manure created in connection with the keeping of animals or fowls within the Municipality shall be ultimately disposed of in such manner as may be approved by the Health Inspector of the Corporation

The liquid waste in connection with every stable, pen or building, where any animal or animals are kept within the Municipality shall be disposed of and dealt with in one of the methods of application to land prescribed in Section 16 of this By-law.

30. No person shall keep or have within the Municipality any animal, fur-bearing animal or game animal, affected with infectious or contagious disease except in an Animal Hospital approved of by the Health Inspector of the Corporation or under conditions of isolation and quarantine approved by the Health Inspector.

31. The said Health Inspector may at any time and from time to time inspect any animal, fur-bearing or game animal, stable or premises within the Municipality for the purpose of ascertaining that the By-laws of the Corporation are being fully carried out.

32. Any person who obstructs or impedes any official or authorized agent of the Corporation, in carrying out his duties under this By-law shall be guilty of an infraction of this By-law.

33. Every keeper of any animal, fur-bearing animal or game animal within the Municipality shall be subject at all times to the "Contagious Diseases Animals Act" under which they shall be required to immediately report all cases of sickness occurring amongst any of such animals in his keeping.

34. Every keeper of any animal referred to herein, within the Municipality shall immediately notify the Health Inspector of the Corporation by notice personally served or by notice given by telephone or telegram, of any infectious diseases occurring within his family of smallpox, diphtheria, scarlet fever, measles, whooping-cough, mumps, or any other contagious or infectious disease.

35. Any act or duty to be performed under this By-law by the Health Inspector of the Corporation may be performed by an Inspector or other official authorized by the Medical Health Officer to perform such act, acts or duty.

INSANITARY PREMISES

36. The Health Inspector of the Corporation shall have the power and he is hereby authorized to enter into or upon any building or premises within the Municipality and examine the plumbing, ventilation or drains, and in case the said Health Inspector shall be of the opinion that any such building or premises is or are in an insanitary condition by reason of the state of such plumbing, ventilation or drains, he may notify the owner of such building or premises, or his agent or any person to whom the rents for the time being of such building or premises are paid on behalf of such owner, to put the said building or premises in a sanitary condition, and any such person so notified shall forthwith put the said premises in a sanitary condition to the satisfaction of the said Health Inspector.

37. The said Health Inspector shall have the power, and is hereby authorized to affix to any building or premises, which, in his opinion is or are unfit for use or occupation by reason of plumbing arrangements that are defective or insufficient to keep the said premises in a sanitary condition, a placard or notice

that the said building or premises is or are unfit for use or occupation, and no person shall pull down or remove such placard or notice, and no person shall, while such placard or notice remains upon said building or premises, occupy or use the same as a place of residence or business or for storage or other purposes.

38. Any person guilty of an infraction of this By-law shall, upon conviction before a stipendiary magistrate or any Justice of the Peace convicting, pay a penalty not exceeding the sum of One Hundred (\$100.00) Dollars, with or without costs, and in default of payment thereof, forthwith it shall be lawful for the stipendiary magistrate or Justice of Justices of the Peace, or any two or more of them acting together therein, then under the hand and seal of one of them, to levy the said penalty with costs or penalty or costs only, by distress and sale of goods and chattels of the offender; and in case of there being no sufficient distress found out of which the penalty can be levied, it shall be lawful for the stipendiary magistrate, or Justice of the Peace convicting, or any of them, to commit the offender to the common jail at Okalla in the Municipality for a period not exceeding Thirty (30) days, unless the said penalty and costs, or penalty or costs, is sooner paid, and all fees payable by any person under any section of this By-law shall be a debt due by such person to the Municipality and shall be recoverable by the Municipality in an action brought in any court of competent jurisdiction.

39. This By-law may be cited as "BURNABY HEALTH BY-LAW 1926."

DONE AND PASSED in Open Council this Fifteenth (15th) day of March, 1926.

RECONSIDERED and FINALLY PASSED this Nineteenth (19th) day of April, 1926.



Arthur G. Moore
CLERK

Arthur G. Moore
CLERK

I Arthur G Moore, Clerk to the Municipal Council of the Corporation of the District of Burnaby hereby certify the foregoing to be a true copy of a By-law passed by the Municipal Council on the Nineteenth (19th) day of April, 1926.

Arthur G. Moore
Clerk.