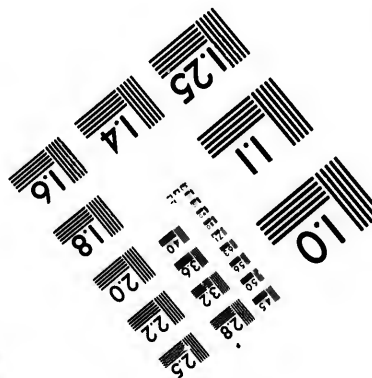
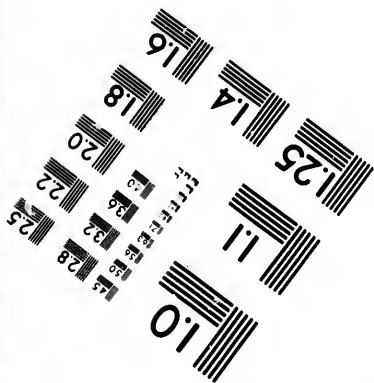
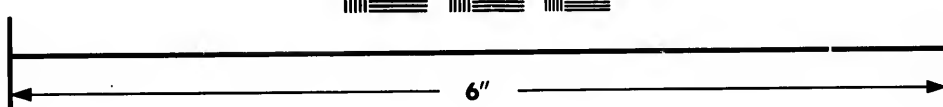
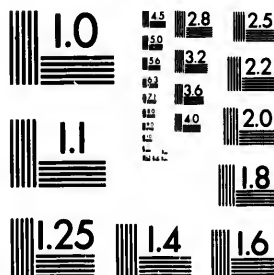


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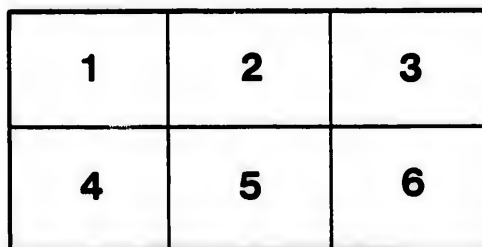
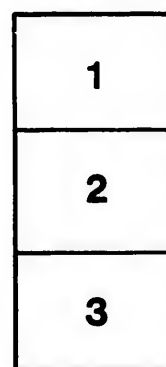
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No. 105.

BY-LAW CONCERNING HEALTH.

(Passed 21st December, 1876.)

At an adjourned monthly meeting of the Council of the City of Montreal, held in the City Hall of the said city, this twenty-first day of December, in the year of Our Lord one thousand eight hundred and seventy-six, under and by virtue of the Act of the Provincial Legislature, 37 Victoria, chapter 51, in the manner and after the observance of all the formalities prescribed in and by the said act, at which said meeting not less than two thirds of the members of the Council, to wit, the following members thereof, are present, viz : His Worship the Mayor, Wm. H. Hingston, Esquire ; Aldermen Nelson, David, Grenier, Rivard, McShane, Brunet, McCord, Wilson, Stephens, Hood, Mullin, McCambrige, Holland, Childs, Foster, McLaren, Roy, Robert, Clendinneng, Mercer, Gauthier.

It is ordained and enacted by the said Council, and the said Council do hereby ordain and enact, as follows :

Sec. 1.—A Board of Health is hereby established and constituted in and for the said City of Montreal.

Sec. 2.—The said Board shall consist, at all times, of the Mayor of the City, *ex-officio* and nine aldermen of the said city and of qualified citizens outside of the said Council, not to exceed nine ; and the said Board so constituted shall exercise all the privileges, power and authority, in relation to the duties of the said Board,

and all orders to be made, and all things to be done by the said Board, as are possessed by the said Council in reference to health. (*As amended by by-law No. 106.*)

Sec. 3.—The said Council shall immediately after the passing of this By-law, or so soon thereafter as possible appoint the members to compose the said Board, which shall be held to be one of the standing Committees of the said Council.

Sec. 4.—The members of the said Board to be appointed as aforesaid shall continue in office until the appointment of their successors in the month of March next.

Sec. 5.—In the appointment of the Board of Health to be made in the month of March next year, and in the month of March in every succeeding year, the said Council may, if they see fit, alter the constitution of the said Board, and appoint thereon such number of the members of the said Council and of Citizens outside the City Council, or such number of members of the said Council alone irrespective of outsiders, as the said Council may deem expedient. (*As amended by sec. 2 of by-law No. 114.*)

Sec. 6.—The Chairman and Vice-Chairman of the said Board shall be appointed by the said Council; and five members of the said Board shall at all times constitute a quorum to hold meetings and transact any business relating to public health.

Sec. 7.—The members of the said Board shall not be entitled to receive any pay or remuneration whatsoever for their services.

Sec. 8.—The said Board of Health is hereby empowered to appoint such health officers as may be deemed necessary for superintending or carrying out the orders of the Board;—to adopt and enforce all sanitary measures relating to the cleanliness of the city;—to prevent

the entry into the said city of all strangers or emigrants, and all baggage belonging to them, when the appearance of either indicates danger to the public health ; —to adopt prompt measures to prevent the spread of any epidemic, contagious or infectious disease ; —to forbid and prevent all communication between any part of the city so infected, except by means of physicians, nurses or messengers, to carry the necessary advice, medicines and provisions to the afflicted ; —to cause any avenue, street or passage to be fenced or enclosed, and to adopt suitable measures for preventing persons from going to or coming from any part of the city so enclosed ; — to put itself in communication and establish in concert with the proper authorities or private institutions and individuals having charge of emigrants on their landing and passage through the city, the Harbour Commissioners and the Board of Works, a place of refuge or hospital in the city for the relief of poor or sickly emigrants ; —to provide the means of purifying, draining and cleansing of all streets, buildings and premises in all ways that may be deemed requisite to preserve the health of the City.

Sec. 9.—The Health Officers are hereby authorized to enter, at all hours, any house or building, or any yard, shed, vacant lot or other premises and to order the removal therefrom of any offensive matter found therein, and to enforce such cleaning, draining or purifying as may be deemed necessary for the protection of the public health ; —to isolate patients laboring under small pox, typhoid fever, diphtheria or any other dangerous or contagious disease whensoever the said officers shall deem it necessary for the welfare of such patient, or of the public ; —to cause any person who shall have died of any of the said diseases to be buried

within a short delay ; and generally to execute such orders as the said Board may from time to time issue. ; Sec. 10. Such officers may, under the written authority of the Medical Health Officer, command the removal of person lodging in any boarding house wherein the rooms are so over crowded and filthy as to be unwholesome and dangerous to public health ; and also destroy any bedding, wearing apparel or other article infected with any of the contagious diseases aforesaid, which may be found in any house, building or place in the said City : Provided that the owner or owners of the linen or article so destroyed shall receive such indemnity as he or they may in the opinion of the said officers, be reasonably entitled to :— Provided also that the Board of Health may, if they see fit, provide a proper place, with the necessary staff and apparatus, for disinfecting free of charge such bedding, wearing apparel or other article as may have become infectious, and under such regulations as the said Board may adopt.

Sec. 11.—Whenever, from time to time, the Statute of the then Provincial Parliament passed in the 12th year of the reign of Her Majesty Queen Victoria being chapter the 8th, and intituled “ An Act to make provision for the preservation of the public health in certain emergencies, ” shall by proclamation of the Lieutenant Governor of the Province, be declared to be in force, and whilst it shall so continue to be, so as to require the nomination and appointment for the City of Montreal of a Local Board of Health, the Board of Health hereby constituted shall become and be, and the several and respective members thereof shall act as “ The Local Board of Health for the City of Montreal,” and shall carry out and enforce the directions and

regulations of the Central Board of Health, and exercise all the powers of health officers conferred by that statute on the members of the Local Board of Health.

BURIALS AND MORTALITY RETURNS.

Sec. 12.—No person shall dig or open any grave or cause any grave to be dug or opened in any burying ground, cemetery, church or church yard, or in any other part or place in the said City ; or shall inter or deposit, or cause or procure to be interred or deposited, in any such grave, or in any vault or tomb, any dead body within the said City ; provided however, that nothing therein contained shall prevent the interment in Roman Catholic Churches in the said City, of the bodies of the priests and nuns of the said Roman Catholic Church.

Sec. 13.—The superintendent of every cemetery in the adjoining municipalities shall make and deliver to the said Board of Health, regular weekly returns of all persons buried in such cemetery ; and the said returns shall be according to the form to be from time to time decided upon by the said Board of Health.

Sec. 14.—In all cases of death occurring in the said city, the attending physician, or in case no physician shall have attended the deceased, a member or friend of the family of the deceased shall, before the interment of the deceased, furnish to such superintendent, free of charge, a certificate signed by such physician, member or friend, stating the name, age, birth-place, date, place of death and the nature of the disease by which the deceased came to death ; and no such superintendent shall inter or permit to be interred any dead body without having received such certificate.

Sec. 15.—The Board of Health is hereby empowered

to provide such other means of obtaining correct and reliable statements or information in reference to the mortality and its causes in the said city as it may from time to time deem necessary.

ADULTERATION OF FOOD.

Sec. 16.—Whoever adulterates any substance intended for food or beverage, with any substance injurious to health, shall be liable to the penalty hereinafter provided: and the articles so adulterated shall be forfeited and destroyed under the direction of the Board of Health; and whoever shall be convicted for the third time, under this section, shall be liable to an imprisonment, the term of which is hereby left to the discretion of the Recorder's Court, provided it be not for a longer term than two calendar months. The name and place of business of every person from whom any article or property shall be confiscated under this section shall be published in at least two city newspapers.

Sec. 17.—No person shall sell or have in his possession for sale any unwholesome meat, poultry, game, eggs, fish, unripe or decayed fruit or vegetable that might in any way be injurious to health; and any member or officer of the Board of Health is hereby authorized to seize and confiscate all such meat, poultry, game, eggs, fish, fruit or vegetable; the entire cost of removing any of such deleterious articles as may be found in any premises, to be paid by the delinquent in addition to the penalty provided in section 56 of this by-law.

MILK.

Sec. 18.—The Board of Health shall appoint a milk inspector, whose duty it shall be to visit all dairies

and milk depots, to enter any place or premises where milk is stored or kept for sale and to stop and inspect all vehicles used in the conveyance of milk; and whenever he has reason to believe any milk found therein is adulterated, or on receiving instruction from the Board of Health to that effect, he shall take specimens thereof and cause the same to be analysed or otherwise satisfactorily tested, and he shall preserve a certificate of the result of said analysis or test made by the analyser or tester, to serve as evidence in the prosecution.

Sec. 19.—No person shall sell milk in this city, unless such person shall have obtained from the said inspector a license to that effect and paid to the chief of Police the sum of one dollar to be accounted for to the City Treasurer, which said license shall be renewed every year on or before the thirtieth day of May, on payment of a like sum of one dollar.

Sec. 20.—It shall be the duty of the said inspector to issue licenses as before ordained: he shall keep a register of the number of licenses, the names and residences of the parties receiving them, and shall report for suit before the Recorder's Court any cases of infraction of this by-law.

Sec. 21.—All measures, cans or other vessels used in the sale of milk shall be stamped according to law.

Sec. 22.—No person shall sell milk produced from cows fed upon any substance deleterious to the quality of milk, nor shall any person adulterate by water or any foreign substance milk to be sold in this city; or sell or cause to be sold or have in his possession for sale any adulterated, unwholesome, or diluted milk; and any person in the employment of another who shall violate any provision of this section shall be held guilty with the principal and suffer the same penalty.

Sec. 23.—No person shall sell or offer for sale or have in his possession for sale as pure milk, any milk from which the cream or any part thereof has been removed.

SOAP AND CANDLE FACTORIES.

Sec. 24.—The erection, use or working, within the limits of the said city, of soap and candle factories, and factories of a like nature, wherein any animal or other offensive matter is rendered, or prepared for manufacture, is hereby prohibited under the penalty hereinafter provided.

The said Council shall give a notice, to be signed by the City Clerk, to any person carrying on any of the above named factories or establishments in the said City, either personally or to a reasonable person of such establishment, to the effect that such person shall abandon and relinquish the use or working of such factory or establishment; and six months after such notice shall have been given, the use or working of such factory or establishment shall be abandoned and relinquished under a fine of one hundred dollars for the first offence, and in default of immediate payment of such fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of this delay; and a further fine of fifty dollars per day is imposed and shall be paid for each and every day the said offender shall continue to carry on such factory or establishment in violation of this By-law; and in the case where, after such notice shall have been given, the said factory or establishment is disposed of by sale or otherwise in favor of other parties, such disposal of the

property shall not have the effect of invalidating such notice which shall remain in full force against any subsequent purchaser or holder ; and this section shall not be held to exempt in any way the owner of such factory or establishment, from the operation of any of the by-laws which may be enforced by the Board of Health of the said City." (*As amended by by-law No. 185.*)

Sec. 25.—The owner or occupant of any tallow chandler shop, soap or candle factory, tannery, stable, chemical works, glue factory, bone factory or any other unwholesome or nauseous house or place whatsoever shall cleanse the same, from time to time, as often and in such manner as may be required by the Board of Health.

DWELLING-HOUSES AND DRAINS

Sec. 26.—Every person who shall build, rebuild or alter any house or building of any description within the said city shall give to the Board of Health at the health office, written notice thereof, together with a plan or description, showing the following particulars, that is to say ; the level or intended level of the lot, yard or court yard, of the cellars or lowest floor, the fall, material, form, construction and situation of the drainage of, or in connection with such house or its appurtenances, and the means of ventilation proposed to be introduced in the same ; and also the outfall or outlet of every such drain, and the size, form, situation and construction of the privies, water-closet and cess-pools, the sinks, waste or other pipes to be constructed or used for the drainage of, or in connection with such house or building ; and no such drain, privy, water-closet, sink, waste or other pipe, or cesspool, shall be built, constructed, or used or any means of ventilation

introduced, until the particulars so required to be shown have been approved of by the said Board, unless the said Board does not signify its approval or disapproval within forty-eight hours after the receipt at the said office of the aforesaid notice and particulars ; and furthermore no such cellar, drain, system or manner of ventilation, privy, water-closet, cesspool, sink, waste or other pipe, or any of the appurtenances thereof shall be closed or covered up from view until a certificate be furnished by the Health officer that such cellar, drain, system or manner of ventilation, privy, water-closet, cesspool, sink, waste or other pipe and all of the appurtenances thereof have been approved of by the Board of Health.

Sec. 27.—Whenever in the opinion of the Health Officer a lot of land cannot be rendered healthy by drainage, the said lot of land shall not be built upon until the Board of Health is satisfied that efficient means have been taken to render the said lot healthy.

Sec. 28.—Whenever it shall be certified to the Board of Health by one of the health officers, that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease as likely to cause sickness among the occupants, or that, by reason of its filthy condition, its want of repair or its defect in ventilation or drainage, it has become dangerous to health, the said Board of Health may issue an order and cause the same to be affixed conspicuously on the building and to be served upon the owner, agent or lessee, requiring all persons therein to vacate such building for the reasons to be stated in the said order : and such building or part thereof shall, within such period as shall be assigned by the said Board of Health, be vacated.

Sec. 29. — Any member or officer of the Board of Health shall have power to ascertain whether, in or upon any building, hotel, house, lodging house, or dwelling, now or hereafter to be erected in the city of Montreal, or on any lot of ground or premises in the said city, the ventilation, drainage, closets, privies, trapping of the waste pipes and sinks, and the condition of the cellars and any other arrangement on which health depends, are in such a state as not to be prejudicial to the health of the inmates; and if not found in such sanitary condition, according to the judgment of the said Board of Health, the said Board shall have power to order the owner of such building or premises to make such work or repairs, as in their judgment may be deemed necessary, and to assign the period within which such work or repairs shall be done.

(Sec. 3 of by-law No 114.—The power and authority conferred in the said By-law No. 105 upon the Board of Health and the Health Officer as regards the construction, repairing or maintenance of drains shall henceforth be exercised and carried out by the Road Committee of the said Council and the City Surveyor, any thing contained in the said By-law to the contrary notwithstanding.)

Sec. 30.—Whenever any existing private drain shall have been proved to the satisfaction of the health officers to be injurious to health by reason of its construction or condition, the said Board of Health is hereby empowered to order that the said drain be taken up and reconstructed of such material, size and with such fall and in such direction as the said Board of Health may determine upon; and thereupon, within eight days after notice shall have been given to the owner of the said drain or occupant of the property through which said private drain passes, the said owner shall

cause the said drain to be constructed according to the resolution of the said Board of Health, and failing so to do, the said owner shall incur the penalty provided in Section 56 of this by-law.

Sec. 31.—No person shall allow steam or any injurious substance to be sent into any public drain in the said city.

Sec. 32.—It shall be the special duty of the members and officers of the Board of Health to inspect and inquire into the sanitary condition of all colleges or schools both public and private, and all appurtenances thereto; they shall examine the ventilation of such schools during the hours of instruction and the drainage and ventilation of the offices connected therewith; and whenever the sanitary condition, in these or other respects, be found defective, the Board of Health shall order the Commissioners, trustees or others having control over such colleges or schools, or the proprietor, lessee or occupant of the said schools, to remedy the defects to the satisfaction of the Board of Health within such delay as the Board may assign.

Sec. 33.—The Board of Health shall exercise the same powers in reference to factories, work-shops, public halls and meeting-rooms, dormitories and all other places where numbers of persons are brought together.

Sec. 34.—No house or tenement, or any portion thereof shall be used as a place of storage for garbage or refuse matter or any article detrimental to health, nor shall any horse, cow, calf, pig, sheep, goat or fowl be kept in such house or tenement.

VACCINATION AND CONTAGIOUS DISEASES.

Sec. 35.—The Board of Health shall appoint one or more places in the city, as in their judgment may be

deemed necessary, for the purpose of vaccination, and shall take effectual means for giving from time to time to all persons resident in the city due notice of the days and hours and place or places at which the medical officer or such other medical practitioner as may be appointed for such purpose, will attend to vaccinate all persons who may then and there appear, and also of the days and hours at which such medical man will attend to inspect the progress of such vaccination in the persons so vaccinated.

Sec. 36.—A register shall be kept in such office, or each of such offices for the purpose of recording in an alphabetical order the names of each person vaccinated, date of such vaccination, age, residence, etc.

Sec. 37.—Every physician, who shall have any patient within the city limits, sick with small-pox, typhoid fever, diphtheria or other dangerous infectious disease, shall report the same to the said Board within the space of twenty-four hours, together with the name of such patient, and the street and the number of the house where such patient is treated.

Sec. 38.—The keeper of any hotel, boarding or public house, or the occupants of any dwelling house or other building in the said city, any inmate whereof shall be sick with small-pox, typhoid fever, diphtheria or other dangerous infectious disease, shall within the space of twenty-four hours after the said disease shall have made its appearance, report the same to the Board of Health.

Sec. 39.—When the Board of Health or its medical officers are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and the disinfecting of any house or part thereof, and of any articles therein,

likely to retain infection, would tend to prevent or check infectious disease, it shall be duty of such authority to give notice in writing to the occupier of such house or part thereof requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

Sec. 40.—If the person to whom notice is so given fails to comply therewith, he shall be liable to the penalty hereinafter mentioned for each and every day during which he makes default; and the medical officer of the Board shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the occupier in default in a summary manner.

Sec. 41.—Where the occupier of any such house or part thereof is from poverty or otherwise unable in the opinion of the medical officer of the Board of Health effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles and defray the expenses thereof.

Sec. 42.—Any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, or in any hotel or lodging house, may be removed to an hospital provided for that purpose, on a certificate signed by the medical officer of the Board of Health or by a legally qualified medical practitioner, at the cost of the Board of Health.

Sec. 43.—Any person who—

1. While suffering from any dangerous infectious disorder, wilfully exposes himself without proper pre-

cautions against spreading the said disorder, in any street, public place, shop, inn, or public conveyance, or enters any public conveyance, without previously notifying to the owner or conductor thereof, that he is so suffering ; or

2. Being in charge of any person so suffering so exposes such sufferer ; or

3. Gives, lends, sells, transmits or expenses, without previous disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder ;

4. And a person who while suffering from any such disorder, enters any public conveyance, without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner or driver the amount of any loss and expense they may incur in carrying into effect the provisions of this by-law with respect to disinfection of the conveyance ; provided that no proceedings shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Sec. 44.—Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance, after it has to his knowledge conveyed any person suffering under any contagious disorder, failing which he shall be liable to the penalty hereinafter mentioned for each day he neglects such disinfection. Provided however that no such owner or driver shall be required to convey any such person suffering from any such dangerous infectious disorder, until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying out the provisions of this by-law.

Sec. 45.—Any person bringing or conveying into the city any person suffering from a dangerous infectious disorder, or the dead body of any person who may have died from any such dangerous infectious disorder, without the written permission of the Board of Health, will be liable to a penalty of forty dollars—one half of this penalty to be paid to the informer or informers.

Sec. 46.—Any person who knowingly lets for hire any house, room or part of a house, in which any person has been suffering from any dangerous infectious disorder, without having such house, room or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of the Board, shall be liable to the extreme of a fine of forty dollars.

For the purposes of this section the keeper of an inn or boarding or lodging house shall be deemed to let for hire part of a house to any person admitted as guest into such inn, boarding house or lodging house.

Sec. 47.—Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within one month in summer and two months in winter previously having been therein any person suffering from a dangerous infectious disorder, knowingly makes a false answer to such question shall be liable to a fine not exceeding forty dollars.

Sec. 48.—When any person shall die in the said city with any dangerous infectious disease aforesaid, it shall be the duty of the person having such dead body in charge or under his control to cause the said body to be immediatly enclosed in a tight coffin, box or casket

along with proper disinfectants and kept so enclosed until it shall be buried, and also to cause such dead body to be buried within such time as may be directed by the health officer.

Sec. 49.—The Board of Health shall take such measures as in its judgment may be necessary to warn neighbours and passers by against infection in any particular house or district.

Sec. 50. —No person shall knowingly make, procure or cause to be made any clothing or wearing apparel of any kind in any house wherein any person shall be knowingly sick with any dangerous infectious disease as aforesaid, and no person shall expose for sale any clothing or wearing apparel which shall have been made in any house or building in which there shall have been at any time when said clothing was made, any person sick or infected with any such disease.

Sec. 51.—No parent or guardian shall permit any pupil to attend any school in the City nor shall any Commissioners, Trustees or other having control over such schools permit any pupil to attend any school in the City, when such pupil is affected with or has been exposed to any contagious disease, until all danger of contagion from any such disease or exposure shall have passed to the satisfaction of the Health Officer.

Sec. 52.—Every slaughter house shall have affixed thereto on the public street in a conspicuous place, a sign with letters thereon at least four inches in size having the words " public slaughter house " thereon.

Sec. 53.—No slaughtering shall be allowed elsewhere than in a public slaughter house so distinguished.

Sec. 54.—The Board of Health constituted by the present by-law is hereby substituted to all intents and purposes for the Health Committee whose functions

shall cease from and after the first day of March next.

Sec. 55.—The said Board of Health shall submit annually to the Council an appropriation sheet, in which shall be stated in detail the financial requirements of the health department, and the expenditure of said Board shall be strictly kept within the limits of such appropriation ; and no sum of money so obtained shall be applied to purposes other than the purposes specified in said appropriation sheet, except by a vote of council. And all disbursements upon warrants drawn against such appropriation shall be made through the City Treasurer. And all salaried officers or officials of the health department shall be paid in person at the City Treasurer's office, upon duly certified warrants.—And every member of the said Board shall be personally responsible for any money spent in excess of the appropriation or diverted from its legitimate purpose without the express vote of the City Council and in the same manner and to the same extent as Aldermen are now liable by law.

Sec. 56.—Any person violating or contrevailing any of the provisions of the present by-law, for which a penalty is not already hereinbefore provided, or disobeying the orders of the said Board of Health, or of any member of the said Board, or of any health officer as aforesaid, or refusing to comply with such orders, or opposing or obstructing the same in any manner whatsoever, or preventing any member of the said Board or any health officer as aforesaid from entering into any house, or on any premises or assaulting them in the execution of the powers and duties imposed upon them, shall be liable to a fine, and in default of immediate payment of the said fine and costs to an imprisonment to be fixed by the Recorder's Court, at its discre-

tion ; and any person who shall violate the present by-law shall be liable to the penalty mentioned in this section for each and every day that such violation or contravention shall last, which shall be held to be a distinct and separate offence, for each and every day as aforesaid ; but such fine shall not exceed forty dollars for each and every offence as aforesaid, and the imprisonment shall not be for a longer period than two calendar months also for each and every offence as aforesaid ; the said imprisonment however, to cease at any time before the expiration of the term fixed by the said Recorder's Court, upon payment of the said fine and costs.

Sec. 57.—Any by-law or part of by-law contrary to or inconsistent with any of the provisions of this by-law is hereby repealed.

Sec. 58.—The power conferred upon the Board of Health and health officers to be appointed as aforesaid in virtue of the present by-law shall until such appointment be made, be enjoyed and exercised by the present Board of Health and Health officers.

