



Province of Alberta

## PUBLIC HEALTH ACT

# **NUISANCE AND GENERAL SANITATION REGULATION**

### **Alberta Regulation 243/2003**

With amendments up to and including Alberta Regulation 162/2014

### Office Consolidation

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(Consolidated up to 162/2014)

**ALBERTA REGULATION 243/2003**

**Public Health Act**

**NUISANCE AND GENERAL SANITATION REGULATION**

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#### **Definitions**

1 In this Regulation,

(a) “Act” means the *Public Health Act*;

(b), (c) repealed AR 162/2014 s2;

(c.1) “event” includes a fair, exhibition, sport day, festival, concert, carnival or other similar gathering;

(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;

(f.1) “operator” means a person who organizes, manages or operates the event;

(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.

AR 243/2003 s1;293/2006;162/2014

## **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 source of a discharge of water or waste, including a street, pool, ditch, gutter, watercourse, sink, cistern, water closet, portable toilet, 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 enclosed space or 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 emission into the air of any 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.

AR 243/2003 s2;162/2014

**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 and Hand Washing Facilities****Location, maintenance, etc.**

**5** The owner of an outdoor toilet facility shall ensure that

- (a) the outdoor toilet facility
  - (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 toilet facility with a pit, the pit contents are covered with earth or other suitable material when the outdoor toilet facility is abandoned or removed.

AR 243/2003 s5;162/2014

**Toilet and hand washing facilities at events**

**6(1)** The operator of an event shall ensure that

- (a) there are toilet facilities serving the event that
  - (i) are on or adjacent to the location where the event is held,
  - (ii) are available to all those attending the event, and
  - (iii) are in the number determined in accordance with the Schedule,

and

- (b) hand washing facilities are provided at or near the toilet facilities with an adequate supply of
  - (i) soap provided in suitable dispensers,
  - (ii) running water,
  - (iii) mechanical air driers or single use towels in suitable dispensers, and
  - (iv) waste receptacles for paper towels, if paper towels are provided.

**(2)** Notwithstanding anything in subsection (1), an executive officer may

- (a) require greater or allow fewer toilet facilities than would otherwise be required by subsection (1)(a), based on the duration of the event, whether alcohol is served or not, the history of the event and other factors considered relevant,
- (b) allow alternatives to the requirements of subsection (1)(b), including the use of a minimum 60% alcohol-based hand sanitizer, or
- (c) do both.

AR 243/2003 s6;162/2014

#### **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 with an adequate supply of
  - (i) soap provided in suitable dispensers,
  - (ii) running water,
  - (iii) mechanical air driers or single use towels in suitable dispensers, and

- (iv) waste receptacles for paper towels, if paper towels are provided.

AR 243/2003 s7;162/2014

### **Waste Storage and Removal**

#### **Storage of garbage and refuse**

**8(1)** 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)** Repealed AR 162/2014 s8.

AR 243/2003 s8;162/2014

#### **Garbage at events**

**9** The operator of an event 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.

AR 243/2003 s9;162/2014

### **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)** A person shall not locate a water well that supplies water that is intended or used for human consumption 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 toilet facility with a pit,
- (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).

**(1.1)** A person shall not change the use of a water well to a water well that supplies water that is to be used for human consumption from any other use if the water well is located within any of the distances referred to in subsection (1)(a) to (f).

**(2)** A person shall not locate

- (a) a watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system within 10 metres,
- (b) a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit within 15 metres,
- (c) a sewage lagoon within 100 metres, or
- (d) a landfill so that an area where waste is or may be disposed of is located within 450 metres

of a water well that supplies water that is intended or used for human consumption.

**(3)** A person shall not deposit sewage effluent on the ground surface within 50 metres of a water well referred to in subsection (2).

AR 243/2003 s15;162/2014

### Part 3 Public Beaches

**16, 17** Repealed AR 162/2014 s11.

### 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, 2019.

AR 243/2003 s19;141/2012;162/2014

### Schedule

(Section 6)

Number of Persons	Minimum Number of Temporary Outdoor Toilet Facilities	
1 - 25	1	
Number of Persons of Each Sex	Male	Female
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 additional 200	9 plus 1 for each additional 150

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.

AR 243/2003 Sched.;162/2014



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