

CITY OF CASTLEGAR

BY-LAW NO. 366

A By-Law to regulate persons, their premises and the activities, to further health care, protection, promotion and preservation of the health of the inhabitants of the municipality.

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PART 1

THEREFORE the Municipal Council of the City of Castlegar in open meeting, enacts as follows:

- 1.1 This By-Law may be cited for all purposes as the City of Castlegar Health By-Law No. 366.
- 1.2 WHEREAS Division 1 of the Municipal Act R.S.B.C. 1979 provides that Council may, for the health, safety and protection of persons and property, and subject to the Health Act and regulations made there to; AND WHEREAS it is deemed expedient to make provisions for the administration of same within the City of Castlegar and to regulate matters not within the Health Act.

1.3 DEFINITIONS

In this By-Law, the words defined shall have the following meanings and where not defined, shall be as in the interpretation section of the Municipal Act.

- (1) CITY means the Municipality of Castlegar.
- (2) COUNCIL means the Council of the Municipality of Castlegar.
- (3) OWNER means the person for the time being receiving rent of the land or premises in context with which the word is used, whether on his own account or as an agent or trustee for any other person, or who would receive the rent if the land or premises were let.
- (4) HOUSEHOLDER means the person for the time being, as between the actual occupants, the occupant in charge of any premises, whether as owner, tenant, agent or otherwise.
- (5) PUBLIC HEALTH INSPECTOR means the local Public Health Inspector appointed under the Health Act.
- (6) RECOMMENDATIONS means upgrading made for the purpose of correcting any health hazard and improving health safety, which the owner or occupier may undertake upon written assessment by the Public Health Inspector within a written time period to be affixed to the recommendation.

- (7) ORDER means the upgrading for the purpose of correcting any health hazard and improving health safety, which the owner or occupier shall undertake upon written assessment by the Public Health Inspector within a written time period to be affixed to the order.
- (8) FOOD PREMISES means any place or vehicle, where food or drink is prepared, handled, stored, served or dispenses with or without charge, but does not include a private dwelling where food is prepared or served for consumption by the occupant, his family or guests.
- (9) FOOD HANDLING EQUIPMENT means the equipment utilized for handling food on food premises.
- (10) MEDICAL HEALTH OFFICER means the Director of the West Kootenay Health Unit as authorized to act on behalf of the West Kootenay Union Board of Health.

PART 2

ADMINISTRATION

- 2.1 The Public Health Inspector or other such persons appointed by the Council of the City of Castlegar administers this By-Law.
- (1) The persons appointed under section 2.1 are hereby authorized to enter, at all reasonable times, upon any properties subject to provisions of this By-Law.
  - (2) Keep all such pertinent records of applications received, permits issued, recommendations, orders and inspections connected with this By-Law.
  - (3) The Public Health Inspector may:
    - (a) regulate persons, their premises and activities, to further the care, protection, promotion and preservation of the Health of the inhabitants of the Municipality.
    - (b) make regulations to prohibit the creation of un-sanitary conditions,
    - (c) require a person to remedy or remove any unsanitary condition for which he is responsible, or which exists on property owned, occupied or controlled by him.
    - (d) deal with matters within the scope of the Health Act in a manner not repugnant to that Act or regulations made under it.
    - (e) inspect premises for conditions which may create unsanitary conditions; and
    - (f) require permits for the installation of food handling equipment.
  - (4) May revoke any permit issued where there is a violation of:
    - (a) any condition under which the permit was issued;
    - (b) any provision of any other applicable By-Law; and
    - (c) any provision of the Health Act.

PART 3

PERMITS

3.1 Food Handling Permits are required for:

- (1) the installation of food handling equipment in all food premises;
- (2) every application for a permit shall be:
  - (a) made on the prescribed form,
  - (b) signed by the owner or his agent,
  - (c) state the intended use of the equipment,
  - (d) when required, include diagrams and specifications in duplicate,
  - (e) all room spaces and dimensions, and
  - (f) all fixtures and drains.
- (3) Whenever the character of the proposed work requires technical knowledge, the Public Health Inspector may require in addition to 3.1(1) and 3.1(2) all drawings, specifications and plans to be sealed by a registered Architect or Professional Engineer, and may require the work to be carried out under the supervision of a registered Architect or Professional Engineer.

3.2 Fees for Food Handling Permits are as per attached Schedule "A".

PART 4

INSPECTION OF PREMISES

- 4.1 The Public Health Inspector may make inspections for conditions that are un-sanitary or may create un-sanitary conditions.
- (1) The Public Health Inspector may make recommendations with respect to those matters in Section 4.1 and require those conditions to be rectified within a specified time period.
  - (2) Recommendations made shall be on a prescribed form, which may change from time to time.
  - (3) The Public Health Inspector may make orders with respect to those matters in Section 4.1 and require those conditions to be rectified within a specified time period.
  - (4) Orders made shall be on a prescribed form, which may change from time to time.
- 4.2 The Public Health Inspector may deal with any matter within the scope of the Health Act in a manner not repugnant to that Act or the regulations made under it.
- (1) The Public Health Inspector may make recommendations with respect to those matters in Section 4.2 and require those conditions to be rectified within a specified time period.
  - (2) Recommendations made shall be on a prescribed form, which may change from time to time.
  - (3) The Public Health Inspector may make orders with respect to those matters in Section 4.2 and require those conditions to be rectified within a specified time period.
  - (4) Orders made shall be on a prescribed form, which may change from time to time.
- 4.3 The Public Health Inspector may require a person to remedy or remove an un-sanitary condition for which he is responsible, or which exists on property owned, occupied or controlled by him.
- (1) Requirements made pursuant to Section 4.3 shall be in writing, stating the requirements and reasons, and may include requirements for private dwelling houses.

PART 5

PENALTY

5.1 Every person who violates any provisions of this By-Law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this By-Law or the Health Act, or who neglects or refrains from doing anything required to be done by any provision of this By-Law or the Health Act, shall be guilty of an infraction thereof, and upon summary conviction therefore, shall be liable to a fine and penalty not exceeding two thousand dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months.

5.2 If any section, sub-section, sentence, clause, sub-clause or phrase of this By-Law is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this By-Law.

PART 6

EFFECTIVE DATE

6.1 This By-Law shall be deemed effective upon final adoption.

6.2 The City of Castlegar Health By-Law No. 137, 1958 and all amendments thereto are hereby recinded.


INTRODUCED AND READ A FIRST TIME THIS 12 DAY OF OCTOBER , 1982.

READ A SECOND TIME THIS 12 DAY OF OCTOBER , 1982.

READ A THIRD TIME THIS 12th DAY OF OCTOBER , 1982.

RECONSIDERED AND ADOPTED, SIGNED BY THE MAYOR AND CITY CLERK AND SEALED WITH THE CORPORATE SEAL THIS 26th DAY OF OCTOBER , 1982.

  
MAYOR AUDREY L. MOORE

  
R.J. SKILLINGS, CITY CLERK

Certified a true copy of By-Law No. 366 , 1982 for the City of Castlegar, and filed this 27 day of October , 1982 with the Ministry of Health.

  
R.J. SKILLINGS, CITY CLERK