

# **A Compendium of Provincial Public Works Statutes**

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**A report by**

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# Purpose

## 1. Background

Real Property Services for Indian and Northern Affairs Canada (RPS for INAC) has commenced activities and discussions concerning the development of guidelines or best practice under which governance structures and processes associated with public works functions can be developed by First Nations as they move closer to self-governing status. The Institute On Governance (IOG) has been asked to provide its expertise in this initiative.

Given the multitude of jurisdictional standards associated with physical infrastructure across Canada, officials from RPS expressed a desire to identify and summarize this information. The purpose of this “road map” of standards is to serve as a useful tool for federal negotiators and Aboriginal counterparts when addressing the scope of public works provisions in self-government agreements.

Accordingly, the following compendium provides a synopsis of provincial statutes relevant to the following six public works functions:

- 1) building and safety codes;
- 2) water and sewage;
- 3) solid waste;
- 4) roads and bridges;
- 5) parks and recreation; and
- 6) land use planning.

For each of these public works functions, careful attention was paid to standards and regulations, inspection procedures, appeal or redress mechanisms, and offences and penalties.

It should be noted that the survey examines provincial statutes of a general nature rather than individual acts incorporating cities. The information, moreover, is meant to *illustrate* how provincial governments provide for legislation addressing public works; it makes no claim to provide a definitive and comprehensive analysis of *all* related statutes. Given the hundreds of acts and associated regulations in each jurisdiction, only those statutes considered most relevant to the above public works functions have been included.

## 2. Description

The following provides a brief summary of statutory practices for each of the six public works.<sup>1</sup>

### *1) Building and Safety Codes*

Building safety standards are typically found in the provincial Municipal Act or Building Act. The main purposes of these statutes are to sanction the adoption of provincial or national codes (most commonly the National Building Code), to describe the duty of buildings inspectors (and setting forth their power of entry into dwellings), to lay out the process for obtaining building permits and to provide redress for aggrieved citizens. Several provinces have set up bodies -- such as the Safety Codes Council of Alberta or Building Standards Board in Manitoba -- to advise on standards and hear appeals regarding permits. A separate Fire Prevention Act typically provides for a provincial fire commissioner with the power to investigate fires and set standards for prevention and safety. Most provinces also maintain provisions or separate legislation that demands closure, clean-up or demolition of unsightly property.

### *2) Water and Sewage*

Authority to build and operate water and sewage works typically derives from the provincial Municipal Act. Statutes specifically detailing safety standards take the form of either a Water Resources Act or a section of an Environmental Protection Act. The most important provisions pertain to: setting the process of obtaining licenses for building water or sewage works (including the submission of plans to the minister), enumerating the powers of provincial inspectors, and permitting the minister (through an appointed environmental director) to shut down water or sewage works deemed deleterious to public health. Specific potable water standards, along with classes of licenses for water works operators, are found in provincial regulations.

### *3) Solid Waste*

In general, each provincial Municipal Act authorizes -- and frequently compels -- municipalities to provide for collection and disposal of solid waste either by itself or through a contracted organization. In addition, a Waste Management Act or Environmental Protection Act typically reserves wide-sweeping powers to the provincial minister (through regulations) to oversee waste management systems. The most important provincial government powers include: undertaking investigations, appointing inspectors and describing their powers, defining litter, and demanding provincial approval

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<sup>1</sup> For a more comprehensive examination of the legal and regulatory relationship between provincial governments and municipalities in the areas of public works, see Institute On Governance, [The Public Works Function in Canadian Jurisdictions](#) (RPS for INAC, October 1998). The paper is available on the Institute's website at [www.igvn.ca](http://www.igvn.ca).

for the operation or enlargement of certain waste disposal sites and systems (e.g. incinerators, hazardous waste).

#### *4) Roads and Bridges*

The provincial Municipal Act allows municipal ownership and maintenance of roads, bridges, sidewalks and other street amenities while a separate Highways Act establishes provincial ownership of all other roads. Typically, there is a section outlining that roads must be kept in a "reasonable state of repair". Detailed road building standards and schedules for maintenance are handled by municipal by-law or Lieutenant Governor in Council regulations. Liability for "disrepair" will be handled in the courts. Provision regarding the expropriation of lands for road building are usually found in a separate Expropriation Act.

#### *5) Parks and Recreation*

The provincial Municipal Act permits communities to own and maintain recreation and community facilities such as public libraries, museums, art centres, or sporting facilities. All provinces also have a Provincial Parks Act which describes the process of setting up and administering a provincial public park while empowering provincial officials to enforce standards within these areas. These statutes also allow the provincial government to set a variety of regulations, such as the prohibition of certain activities (logging, mining, etc.), the issuing of licenses (for hunting, fishing, etc.), the setting of user fees, or the use of firearms.

#### *6) Land Use Planning*

Each province has enacted a highly detailed Planning Act (except for BC and Alberta, where planning is contained within their Municipal Acts) which sets out the process and required content of community plans for planning advisory bodies (respecting individual municipalities, counties, improvement districts, etc.). Virtually all of these acts establish a consultative process which ensures the right of the public to have access to information and to participate in the formulation of land-use policies. Power is also conferred to individual municipalities regarding zoning, subdivision, and building standards. Finally, provincial planning appeal boards are commonly established for adjudication of disputes.

## **British Columbia**

### **Building and Safety Codes**

#### *Municipal Act (RS Chapter 323)*

Part 21 - deals with Building Regulations

- S. 692 - Minister may make regulations as follows:
  - a) establish a Provincial building code for BC governing standards of construction and demolition of buildings
  - b) adopting by reference, with the changes the minister considers necessary, all or part of any building code or standards for the construction or demolition of buildings
- S. 693 - establishes Building Code Appeal Board
- S.694 - sets classes of municipal building regulations
- S. 697 - permits municipalities to also adopt national codes, including Canadian Electrical Code, standards of the Canadian Gas Association, and the National Fire Code of Canada

#### *Fire Services Act (RS Chapter 144)*

Part 1 - Investigation, Prevention and Suppression of Fires

- S. 2 - permits Lieutenant Governor in Council to appoint fire commissioners
- S. 3 - lists duties of fire commissioner
- S. 21 - permits inspection of fire hazards “at all reasonable hours”
- S. 26(1) - A municipal council must provide for a regular system of inspection of hotels and public buildings in the municipality.

Part 2 - sets necessary means of escape from fire (e.g. exit signs, functioning of doors, etc.). Also permits inspection of buildings for fire safety purposes.

- S. 47 - lists classes of permissible regulation
- S. 47 (d) - permits adopting all or part of the National Fire Code of Canada and any other code or standard on fire standards and fire safety

### **Water and Sewage**

#### *Municipal Act (RS Chapter 323)*

- Part 16, Division 3 - deals with Wharves, Waterways, Drains and Dikes including operation of drainage works, control of drainage, and liability for damage to works or watercourse
- Part 16, Division 5 - deals with Sewers and Storm Drains including agreements between municipalities

#### *Water Act*

- Establishes rights and responsibilities for individuals or bodies licensed to provide water.
- S.5 - A license entitles its holder to do the following in a manner provided in the license:
  - a) divert and use beneficially the quantity of water stipulated in the license;
  - b) store water;
  - c) construct, maintain and operate the works authorized under the license and necessary for the proper diversion, storage, carriage, distribution and use of the water or the power produced from it;
  - d) alter or improve a stream or channel for any purpose;
  - e) construct fences, screens and fish or game guards across streams for the purpose of conserving fish or wildlife
- S. 12 - sets out powers of comptroller or regional water manager respecting applications
- S. 41 - lists offences with respect to water use
- S. 46 - lists classes of regulations

*Health Act (RS Chapter 179)*

- S. 25 - A common sewer or system of sewerage must not be established or continued unless there is maintained with it a system of sewage purification and disposal that removes any menace to public health, and the minister may call for, and any municipal council, person or corporation must, when requested, provide as soon as possible, the information and data in relation to the matters under their control as the minister may consider necessary.
- S.61 - permits reasonable and unrestricted access of health inspectors to public or private dwellings

**Solid Waste**

*Municipal Act (RS Chap.323)*

Part 16, Division 6 - deals with Waste Removal, permitting municipal council, inter alia, to:

- a) operate public incinerators
- b) compel persons to make use of a system established to dispose of garbage and other discarded matter
- c) establish a scale of charges payable by owners or occupiers of real property for trash collection or disposal
- d) impose penalties for neglecting to remove waste
- e) compel and regulate the emptying, cleansing and disinfecting of private drains, cesspools, septic tanks and privies, and the removal and disposal of refuse from them.

*Waste Management Act (RS Chapter 482)*

Part 1 - Interpretation

Part 2 - Prohibitions and Permits

Part 3 - Municipal Waste Management

Part 4 - Contaminated Site Remediation

Part 5 - Enforcement

- includes entry on property for inspection purposes

Part 6 - Clean Air Provisions

Part 7 - Appeals

Part 8 - Miscellaneous

- S.57 - power to make regulations (lists classes)

**Roads and Bridges**

*Municipal Act (RS Chap.323)*

Part 16, Division 2 - deals with highways re: possession of municipal roads, expropriation, reserving land for highway purposes

- S. 542(1) - A municipal council may regulate the following:

- a) construction and maintenance of boulevards
  - b) planting and care of shade or ornamental trees, shrubs and bushes on a highway;
  - c) planting of trees, etc. adjacent to a highway;
  - d) access to and from a highway;
  - e) construction and maintenance of fences and hedges adjacent to a highway;
  - f) highway lighting, watering, and oiling;
  - g) highway names and numbers and placing of signs;
  - h) assigning building or structures numbers
- S. 544 - allows council to charge for cleaning and clearing of highways

*Highway Act (RS Chapter 188)*

Part 1 - Establishment and Control of Highways

Part 2 - Protection of Highways

- S. 14 - lists offences regarding the treatment of highways

Part 3 - Classification and Improvement of Highways

Part 4 - Protection of Bridges and Tunnels

Part 5 - Trans-Canada Highways

Part 6 - Controlled Access Highways

**Parks and Recreation**

*Municipal Act (RS Chapter 323)*

- Part 18 deals with Recreation and Community Services

- S. 610 - Permits municipal council to make by-laws in following (inter alia):

- a) hold any property in the municipality for pleasure, recreation or community uses of the public, including i) public library, art gallery, museum, arena and exhibition buildings, and ii) heritage property
- b) lease or rent property that is owned or held by the municipality;
- c) make rules and regulations regarding the management, maintenance, improvement, operation, conservation, control and use of property
- d) share resources with other municipalities or with regional districts
- Part 18, Division 2 - allows for creation of civic commissions, e.g. parks commissions, civic properties commission, athletic commission, recreation commission

*Park Act (RS Chapter 344)*

- S. 12 - establishes 6 categories of parks
- S. 28 - offences and penalties; contravention of Act's provisions amounts to \$1,000,000 or year in prison; contravention of regulation amounts to \$200,000
- S. 29 - power to make regulations, inter alia, regarding:
  - a) prohibiting hunting, fishing, trapping, or carrying or discharging any firearm
  - b) designating the period during which any animal, fish or bird may be hunted or taken
  - c) requiring a special license, park use permit or resource use permit

**Land Use Planning**

*Municipal Act (RS Chapter 323)*

Part 26 deals with Management of Development

- Division 1 - General
- Division 2 - Official Community Plans
- Division 3 - Rural Land Use Bylaws
- Division 4 - Public Hearings on Bylaws
- Division 5 - Public Information and Advisory Commission
- Division 6 - Board of Variance
- Division 7 - Land Use Designation
- Division 8 - Use of Land for Agricultural Operations
- Division 9 - Permits and Fees
- Division 10 - Development Costs Recovery
- Division 11 - Subdivision and Development Requirements

## Alberta

### **Building and Safety Codes**

#### *Safety Codes Act (RSA 1980 S-0.5)*

- S. 61 - permits The Lieutenant Governor in Council to set regulations “governing fire protection and the safe design, manufacture, construction, sale, installation, use, operation, occupancy and maintenance of:
  - i) buildings,
  - ii) electrical devices,
  - iii) elevating devices,
  - iv) gas systems,
  - v) plumbing or private sewage disposal systems,
  - vi) pressure equipment,
  - vii) fire protection systems and equipment
- S.29 - provides for the appointment of inspectors
- S. 30 - Safety code officer may enter dwelling without warrant (except for private dwelling-place which requires consent of owner or warrant from a justice)
- S. 21 - permits fees by the levy on assessments on persons who apply for, or hold, certificates or permits or who apply to register designs
- S. 63 & 64 - defines penalties & offences, which include interfering with a safety code officer, making a false or misleading statement, or failing to submit pertinent information
  - first offence penalty is not more than \$15,000 (and not more than \$1000 day for each day in case of continuing offence) and/or imprisonment for a term not exceeding 6 months
  - 2nd or subsequent offence: \$30,000 and \$2000 per day for continuing offence and/or imprisonment for 12 months max.
- Part 2 - establishes Safety Codes Council; responsibilities of Council include:
  - hearing appeal of orders from inspectors;
  - promote uniformity of safety standards for any thing, process or activity to which the Act applies;
  - may review and formulate classifications of certificates of competency and qualifications required of a person to hold a certificate of competency;
  - with the consent of the Minister, may review and formulate codes and standards for accreditation and safety standards for any thing, process or activity to which the Act applies;
  - may undertake to provide the Minister with advice on safety information, education programs and services, accreditation and other matters related to this Act

*Building Code Regulation, AR 50/98*

- provides that the Alberta Building Code 1997, as established by the Safety Codes Council and published by the National Research Council of Canada, is declared in force in respect of buildings

*Alberta Fire Code, 1992, AR 204/92, 52/98*

- declares that the Alberta Fire Code, 1997, as established by the Safety Codes Council and published by the National Research Council of Canada, is declared in force in respect of fire protection

*Electrical Code Regulation, AR 215/97*

- declares that the code in force in respect of electrical systems is the Canadian Electrical Code, part 1, Seventeenth Edition, CSA Standard C-22.1-1994. The Electrical Code Regulation also provides for some amendments to that Code

**Water and Sewage**

*Environmental Protection and Enhancement Act (1992 E-13.3)*

Part 7 - relates to potable water

- S. 146 - the Minister may make regulations *inter alia* a) prescribing substances providing for the establishment of specified concentrations for those substances in potable water; b) prescribing methods for determining the concentration of a substance in potable water; c) governing the design, construction, maintenance or operation of i) any type of waterworks system or part of a system, or ii) an equipment, device or apparatus used in connection with any type of waterworks system; d) governing the purity of potable water; e) governing and prohibiting the manufacture, sale or use of any equipment, process, chemical, substance or thing to be used in the treatment or disinfection of potable water
- Director (as designated by the Minister) may issue an environmental protection order to the person responsible for a waterworks system deemed unfit for intended use; this order may order the person responsible for the waterworks system to:
  - i) construct, improve, extend or enlarge the waterworks system;
  - ii) to operate or maintain the system to according to terms and conditions set by the Director
  - iii) take any other action the Director considers necessary to protect or restore the quality of the potable water;
  - iv) report on any matter relating to the construction or operation of the waterworks system;
  - v) take emergency measures when any potable water supplied by a waterworks system may cause, is causing or has caused an immediate and significant adverse effect on human life or health

*Water Resources Act (RSA 1980, W-5)*

- S. 71 - sets out what Lieutenant Governor in Council may regulate (34 areas), including:
  - governing the inspections of works and the investigation of complaints
  - respecting the fees or charges to be paid in respect of any application and for licenses issues under this Act
  - governing the water rates that may be charged by licensees, and the publication of tariffs and rates
- S. 29, 42-45 - explains inspection process and costs associated (borne by the licensee)
- S. 59-63 - deals with penalties, including obstructing inspecting officers, refusing to carry out orders, or discrimination between users of water

*Potable Water Regulations (pursuant to RSA E-13.3, 1992), AR, 122/93*

- S. 6 - potable water must meet health related concentration limits for substances listed in the latest edition of *Guidelines for Canadian Drinking Water Quality*, published by Health Canada; or any additional or other limits established by the Director
- S. 7 - waterworks systems must meet at least minimum potable water treatment requirements set out in the latest edition of *Standards and Guidelines for Municipal Waterworks and Storm Drainage Systems* published by the department
- S. 16-17 - establishes certification procedures for waterworks operators; classification set out in *Water and Wastewater Operator's Certification Guidelines* published by the department
- S.19 - sets out timelines and procedures for sampling and testing of water supply
- defines "approved analytical methods" as conforming to latest edition of *Standard Method for the Examination of Water and Wastewater* published by the American Public Health Association, et al.; or the last edition of *Methods Manual for Chemical Analysis of Water and Wastes* by the Alberta Environmental Centre

*Wastewater Storm and Drainage Regulations, AR 119/93 & 120/93*

- S. 5 - drainage standards set out in *Standards and Guidelines for Municipal Waterworks and Storm Drainage Systems* published by the department
- defines "approved analytical methods" of inspection as conforming to latest edition of *Standard Method for the Examination of Water and Wastewater* published by the American Public Health Association, et al.; or the last edition of *Methods Manual for Chemical Analysis of Water and Wastes* by the Alberta Environmental Centre
- S. 10 - contravention of specified regulations result in \$50,000 for individuals and \$500,000 for corporations

*Water Well Regulations, AR 123/93 & 252/93*

- sets out construction & certification requirements

## **Solid Waste**

*Environmental Protection and Enhancement Act (1992 E-13.3)*

Part 9 - defines waste (e.g. rubbish, paper, packaging, containers bottles, cans, etc.)

- S. 178 - The Lieutenant Governor in Council may make regulations

- a) designating anything as waste;
  - b) respecting the provision of waste collection containers;
  - c) respecting the collection, storage, treatment, or disposal of waste on, into or under land, water or ice;
  - d) respecting the procedure relating to requests for review of environmental protection to clean up unsightly property;
  - e) respecting the design, location, establishment, construction, operation, and reclamation of waste management facilities;
  - f) exempting any person from the application of all or any of the provision of this Division or the regulations under the Division.
- S. 174(1) - If an inspector or investigator considers any property when viewed from a highway to be unsightly property, the inspector or investigator may issue an environmental protection order to clean the unsightly property.
  - S. 175(1) - establishes liability of local authority or property owner for costs of cleaning up.
  - S. 185-199 - governs investigations and inspections (e.g. applications for investigations, right of entry and inspection, seizure without order or search warrant)
  - S. 200-211 - deals with enforcement and civil remedies
  - S. 212-225 - sets out offences and penalties
  - S. 168 - provides for the establishment of a management board or other body, whether as a corporation or otherwise, for any purpose in connection with a regulation under this section

*Waste Control Regulation, AR 129/93 & 192/96*

- addresses hazardous waste, hazardous recyclables, and non-hazardous waste
- S. 15 - sets standards for landfills
- S. 40 - contravention of specified regulations result in \$50,000 for individuals and \$500,000 for corporations

**Roads and Bridges**

*Municipal Government Act (1994 M-26.1)*

Part 3, Division 2 - deals with the regulation of roads and sets out who holds title to roads within a municipality;

- S.2 - establishes responsibility of Highway Authority, which is responsible for the construction and maintenance of all highways subject to its direction, control and management
- S. 532 - declares that roads must be kept in a "reasonable states of repair"

*Public Highways Development Act (RSA 1980 P-28)*

- Invests power to the Minister of Transportation and Utilities to set standards through regulations for the construction and maintenance of public highways.
- S. 19-22 - deals with Ministerial control over other highways, which overlap with access to roads otherwise under municipal jurisdiction.

- S. 34-37 - deal with Controlled Streets and provide for the council of an urban municipality to make by-laws to regulate controlled streets.
- S. 39 - sets out provisions for drainage of highways
- S. 38 - sets out circumstances of Crown liability for poor maintenance of roads

*Highways Traffic Act (R.S.A. 1980 H-7)*

- Sets out the procedure to expropriate land.
- S.7 (b) declares when a municipality expropriates land, it is the approving authority in respect of an expropriation;
- Part 1 sets out the Procedure for Expropriation;
- Part 2 sets out the Procedure for compensation;
- Part 3 is a general section that includes authorizing the Lieutenant Governor in Council to make any orders and regulations he considers necessary to effect the intent of the Act.

**Parks and Recreation**

*Provincial Parks Act (RSA 1980 P-22)*

- establishes process and purpose of setting up provincial park
- [S.11] - Minister may, in respect of parks and recreation areas, make regulations governing
  - a) establishment and use of reservoirs;
  - b) controlling domestic or other animals;
  - c) the use of firearms or other explosives
  - d) the use of land and activities on that land;
  - e) commercial, scientific, and research activities that may be carried on;
  - f) the use of motor vehicles, off-highway vehicles, boats, trailers and equipment;
  - g) standards respecting the provision or utilization of services in respect of the public;
  - h) standards respecting buildings;
  - i) setting, use and extinguishing of fires;
  - j) treatment and feeding of wildlife;
  - k) dressing or hanging of big game;
  - l) issuing of permits allowing special activities to be carried on;
  - m) controlling or prohibiting noise;
  - n) removal, storage and disposal of motor vehicles, aircraft, boats, trailers, articles or objects
  - o) tenders or proposals made by persons wishing to carry on commercial activities;
  - p) governing fees payable

*Recreation Development Act (RSA 1980 R-8)*

- defines the functions and powers of the applicable Minister in promoting, encouraging and coordinating orderly recreation development in Alberta;

- the Minister may appoint boards or commissions to carry out duties prescribed by the Minister

*Recreation, Parks and Wildlife Foundation Act (RSA 1980 R-9)*

- establishes Foundation to provide to persons and organizations the opportunity to donate real or personal property to the Foundation to be used for a) development or maintenance of recreational programs, facilities, and services; b) development or maintenance of parks; c) management, conservation or preservation of fish and wildlife.

## **Land Use Planning**

*Municipal Government Act, RSA 1980 M-26.1*

Part 17 - deals specifically with Planning and Development.

- Division 1 - Authorizations, Compensation
- Division 2 - Land Use Policies
- Division 3 - Planning Authorities
- Division 4 - Statutory Plans (includes Intermunicipal Development Plans, Municipal Development Plans, Area Structure Plans, Area Redevelopment Plans
- Division 5 - Land Use
- Division 6 - Development Levies and Conditions
- Division 7 - Subdivision of Land
- Division 8 - Reserve Land, Land for Roads and Utilities
- Division 9 - Use and Disposal of Reserve Land
- Division 10 - Subdivision and Development Appeals
- Division 11 - Intermunicipal Disputes
- Division 12 - Bylaws, Regulations
- Division 13 - Transitional

# Saskatchewan

## **Buildings and Safety Codes**

### *Urban Municipalities Act (U-11)*

- S. 136 - permits municipality to establish fire department as well as fire protection and prevention programs. Subsection 3 lists classes of bylaws that may be pronounced by municipal councils. Subsection 4 permits adoption of all or any part of the National Fire Code of Canada.

### *Rural Municipalities Act (R-26.1)*

- S. 214 - permits council to establish fire department as well as other regulations relating to fire protection
- S. 248 - council may declare an unsightly building a nuisance
- S. 251.1 - permits council to take reasonable action regarding unsafe unoccupied buildings

### *Local Government in Northern Saskatchewan Act (N-5.1)*

- S.91-99 - permits council to make regulations regarding buildings

### *Fire Prevention Act (F-15.001)*

- S. 13 - right of entry and examination
- S. 18 - establishes right of inspection of buildings, structures or premises
- S. 25 - establishes right of appeal of orders made by local assistant or municipal inspector (within 20 days of being served order) to fire commissioner of Saskatchewan Municipal Board
- S. 30 - establishes offences and penalties
- S. 38 - establishes classes of regulations that Lieutenant Governor in Council may set

### *Uniform Building and Accessibility Standards Act (Chapter U-1.2)*

- S. 5 - establishes building inspectors
- S. 6 - establishes Saskatchewan Building and Accessibility Standards Appeal Board
- S. 8,11, 13 - permits Lieutenant Governor in Council to make regulations; allows for adoption of National Building Code of Canada (as amended from time to time)
- Part V - establishes powers of inspector (right of entry, etc.)
- S. 18 - establishes right of appeal
- S. 22 - offences and penalties

## **Water and Sewage**

### *Urban Municipalities Act (U-11)*

- S. 170.1 - authority to construct and maintain sewers, drains, and ditches

*Rural Municipalities Act (R-26.1)*

- S. 232 - puts water and sewer lines under responsibility of municipality

*Local Government in Northern Saskatchewan Act (N-5.1)*

- S. 109 - local council may, by bylaw, control the use of wells and other sources of supply of water for the northern municipality

*Water Corporation Act (W-4.1)*

- establishes provincial water utility along with right of appeal (rates, etc.) to Water Appeal Board (established under separate statute)

*Environmental Management and Protection Act (E-10.2)*

- S. 2 - establishes environmental inspectors and lists powers
- S. 14 - gives minister general supervision, control and regulation of all matters concerning water quality and its impairment of pollution
- S. 24 - where minister considers it necessary to protect the environment or public health, he may direct the owner or the operator of any sewage works or waterworks to:
  - a) cease or suspend the operation of the sewage works or waterworks;
  - b) operate or maintain the sewage works or waterworks in a specified manner;
  - c) alter or extend the sewage works or waterworks;
  - d) construct or install additional sewage works or waterworks;
  - e) conduct specified investigations and gather specified data and other information;
  - f) maintain specific records and make specified reports.
- S. 38(1) - Lieutenant Governor in Council may make regulations establishing general standards respecting the quality of water, etc.

**Solid Waste**

*Urban Municipalities Act (U-11)*

- S. 141 - permits urban municipalities to provide for the collection, removal or disposal of solid wastes and other refuse

*Rural Municipalities Act (R-26.1)*

- S. 215.2 - permits urban municipalities to provide for the collection, removal or disposal of solid wastes and other refuse

*Local Government in Northern Saskatchewan Act (N-5.1)*

- S. 108 - permits local council to pass bylaws regarding rubbish and waste control

*Environmental Management and Protection Act (E-10.2)*

- S. 38 - permits Lieutenant Governor in Council to make regulations regarding hazardous waste and other waste

## **Roads and Bridges**

### *Urban Municipalities Act (U-11)*

- S. 154(1) - “An urban municipality shall keep every street or other place that is subject to the direction, management and control of the council, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done in or on such places by the urban municipality or by any person with the permission of the council, in a reasonable state of repair, having regard to the character of the street, place or work, and the locality in which it is stipulated or through which it passes, and, if an urban municipality fails to do so, it is civilly liable for all damage sustained by any person by reason of the default.” Subsequent subsections clarify and qualify municipal liability.

### *Rural Municipalities Act (R-26.1)*

- S. 192 - describes duty of rural municipalities to maintain roads in a “reasonable state of repair”
- S. 194 - describes construction and upkeep of bridge shared by two municipalities

### *Local Government in Northern Saskatchewan Act (N-5.1)*

- S. 112-114 - streets and public places

## **Parks and Recreation**

### *Urban Municipalities Act (U-11)*

- S. 152 - A council may establish or acquire and operate a trailer camp or tourist camp or park, and may provide related services to any registered occupant of the camp or park.

### *Rural Municipalities Act (R-26.1)*

- S. 246 - council may, by bylaw, provide for acquisition, construction, operation and maintenance of recreational facilities (and can levy special tax to recover cost of the facility)

### *An Act respecting the Establishment, Maintenance and Use of Park Land and Park Land Reserve (P-1.1)*

- S. 26-27 - classes of regulations (for Lieutenant Governor in Council)
- S. 28-29 - creates enforcement officers and establishes their powers
- S. 34 - establishes offences and penalties

## **Land Use Planning**

### *Planning and Development Act (P-13.1)*

- Part I - Interpretation
- Part II - Administration
- Part III - Establishment and Function of Planning Authorities
- Part IV - Statutory Plans
- Part V - Implementation of Plans
- Part VI - Planning Districts
- Part VI.1 - Planning Areas in the Northern Saskatchewan Administration District
- Part VII - Subdivision of Land
- Part VIII - Buffer Strips and Dedication of Lands
- Part IX - Public Participation in Bylaws
- Part X - Miscellaneous

## Manitoba

### Building and Safety Codes

#### *Municipal Act, M225 (SM 1996)*

- S. 239(1) - grants authority to municipalities to undertake inspections and enforcement. If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action, may:
  - a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
  - b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
  - c) make copies of anything related to the inspection, remedy, enforcement or action.
- S. 239(2) - “The designated officer must display or produce on request identification showing that he or she is authorized to make that entry.”
- S. 243 (1) - designated officer may demand remedy of dangers and unsightly property
- S. 246(1) - A municipality may take whatever actions or measures it considers necessary to eliminate the danger to public safety caused by the structure, excavation or hole or to deal with the unsightly condition of property
- S. 249 (1) - “A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term not more than three months, or both.
- S. 264 - “Every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspection of property, the installation of alarms, instruction on fighting fires, the provision of fire fighting equipment and a fire protection force.”
- S. 269 - “A designated officer who is appointed as a local assistant under the Fire Prevention Act must enforce in the municipality any regulation that the Fire Commissioner of Manitoba directs him or her to enforce.”
- S. 387 (1-7) - establishes liabilities for building inspections
- S. 387(3) - for the purposes of inspection, a municipality may rely on a certification or representation by an engineer, architect, surveyor or other person with expertise respecting the thing being certified or represented.

#### *Buildings and Mobile Homes Act, B93 (RSM 1987)*

- S. 3(1) - “The Lieutenant Governor in Council may, by regulation,
  - a) adopt any established building construction code or building standard, in whole or in part, for use in the province or any part of the province or any municipality”;

- b) prescribe variations in, additions to or deletions from any building construction code or building construction standard adopted under clause (a);
- c) establish or prescribe any building construction code or building construction standard for use in the province, or any part of the province, or any municipality.”
- S. 3(2) - deals with subsequent changes in adopted standards
- S. 5(1) - minister may designate classes of work involved in building construction, or classes of buildings to which permits or occupancy permits are required
- S. 7(2) - permits right of entry for inspectors
- S. 11(1-7) - establishes “Building Standards Board” - purpose is to advise the minister on such matters pertaining to building construction codes or building construction standards as he may require;
- S. 14 - offence and penalty for anyone contravening this act or related regulations -- liable for each day that offence continues to a fine not exceeding \$5,000
- S. 15 - sets out classes of regulations pertaining to this Act, including: adopting building construction codes, prescribing the fees payable under this Act and the amounts thereof, and requiring a person who sells/leases a mobile home to obtain a permit for the purposes issued by the minister

*Fire Prevention Act, F80 (RSM 1987)*

- sets out powers of Fire Commissioner and duties
- S.57(1) - fire commissioner or delegate can inspect any dwelling without consent of owner where there is believed to exist a “condition, activity or usage that is conducive to the outbreak or spread of fire”
- S. 57(2) - sets out conditions by which fire commissioner may order remedy to dangerous conditions
- S. 57(11) - permits appeals for decision of fire commissioner
- S. 58(1) - penalty for person who fails to comply with an order guilty of an offense and is liable, on summary conviction, to a fine not less than \$10, or more than \$500 for each day’s neglect or failure to comply therewith, and in default of payment of the fine, to imprisonment for any term not exceeding 30 days.
- S. 68(1) - sets out classes of regulations pertaining to this Act, *inter alia*:
  - a) prescribing standards of design, construction, inspection, testing, installation, operation, maintenance, repair or alterations for the prevention of fire;
  - b) specifying equipment that must be operated and used in specified classes of buildings or premises to prevent or reduce the risk of fire;
  - c) prescribing, within the limits of the legislative powers of the province, safety measures that shall be observed in the storage, sale, transportation or use of such combustibles and other dangerous goods as listed in the regulation;
  - d) prescribing standards and requirements respecting the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
  - e) standards for fire escapes and adequacy of exits

## **Water and Sewage**

### *Water Rights Act, W80 (RSM 1988)*

- S. 26 - Lieutenant Governor in Council may make regulations regarding (inter alia):
  - a) prescribing the information and plans to be submitted with any application for a license;
  - b) respecting duration and renewal of licenses
  - c) prescribing fees that shall be paid in respect of applications, licenses and permits
  - d) authorizing the establishment or placing or construction of devices for computing or measuring the volume and discharge of water in any place;
  - e) respecting the approval and inspection of works;
  - f) regulating the water rates that may be charged by licenses;
  - g) respecting the storage, regulation, diversion or utilization of water for any purpose and for the protection of any source of water;
  - h) respecting the construction, maintenance, operation and purchase, and the assumption of ownership and control, of any works as may be necessary or desirable and for the regulation and control, in the interests of all water users, of the flow that may from time to time pass through, by or over the works;

### *Manitoba Water Services Board Act, W90 (RSM 1987)*

- S. 6 - sets out powers of the board, including (inter alia) :
  - a) to make investigations and surveys of all matters relating to the supply of potable water, the distribution of potable water, the collection of sewage and the disposal of sewage;
  - b) construct, purchase, acquire, operate, maintain, repair, replace and reconstruct plants and works for obtaining, collecting, storing, treating, purifying, transmitting, distributing, and measuring water;
  - c) enter into agreements with municipalities or water districts providing for i) the inter-connection of any part of the works of the board and the works or system of the municipality or water district; ii) the joint construction or operation of a water transmission system, and; iii) the joint development or use of a source of supply of water.

### *Ground Water and Water Well Act, G110 (RSM 1987)*

- S. 12 - Lieutenant Governor in Council may make regulations and order:
  - a) prescribing fees for licences (e.g. drilling wells) issued under this Act;
  - b) governing issues of licences;
  - c) respecting the establishment of ground water conservation programs and thereby restricting and regulating the use of ground water and the flow or output of water from wells;
  - d) regulating the methods of drilling wells;
  - e) regulating specifications and maintenance of wells;
  - f) prescribing measures to be taken to prevent or diminish the pollution and contamination of ground waters.

*Municipal Act, M225 (SM 1996)*

- S. 294(3) - “A municipality must maintain every drain within its boundaries to a standard that is appropriate for the use which the municipality expects the drain to be put.”
- S. 294.1(4) - municipality may require a person who obstructs a drain to remove the obstruction or may charge the person for the expense in doing so
- S.390 - “Where an overflow of water from a sewer, drain, ditch or watercourse is a consequence of excessive snow, ice, or rain, a municipality is not liable for a loss as a result of the overflow.”

*Public Health Act, P20 (RSM, 1987)*

- S. 13 - defines powers of public health inspectors - may enter dwellings without warrant upon presentation of certificate; may also take samples of any food, beverage, clothing or bedding without the consent of the owner thereof for the purpose of conducting tests
- S. 28 - Lieutenant Governor may make regulations “respecting the construction, maintenance, cleansing, and disinfection, of drains, sewerage systems, sewers, sewage treatment systems, sewage treatment plants, sewage disposal plants, and the location, cleansing, and disinfection of water closets, cesspools, septic tanks, privies, and other methods of disposing of sewage and waste”; and “respecting the construction, maintenance, and purification of water systems, and water supplies, including the testing and analysis of water therefrom, and the inspection and approval of sources of water supply.

**Solid Waste**

*Environment Act, E125 (SM 1987-88)*

- S41(1) - Lieutenant Governor in Council may make regulations:
  - “respecting the design, construction, adaptation, alteration, operation, maintenance and installation of systems, processes or works to abate or control pollution or other environmental damage including but not limited to waste disposal grounds, landfills, sewage collection and treatment, sewage or industrial sludge handling and disposal, incinerators, and recycling systems;
  - respecting the location of waste disposal grounds and landfills;
  - respecting the disposal, reuse or recycling of any product or residual flow or packaging offered for sale in the province which may become a component of a waste stream;
  - prohibiting litter and regulating the disposal of litter;
- S. 33 - establishes penalties for contravention of the Act’s provisions of regulations; for individuals, \$50,000 for first offence and \$100,000 for subsequent offence (or 6/12 months jail); for corporations, \$500,000 for first offence and \$1,000,000 for each subsequent offence
- S. 6 - establishes Clean Environment Commission for the purposes of a) providing advice and recommendations to the minister; b) developing and maintaining public

participation in environmental matters; and c) carrying out functions that it is required to carry out under The Contaminated Site Remediation Act.

- S. 20 - defines powers of environment officers - may enter dwellings without warrant and make inspections as may be reasonably required to determine compliance with Act or regulations

## **Roads and Bridges**

### *Municipal Act, M225 (SM 1996)*

- S. 285-294 - define municipal roads (e.g. opening, control of, closing of municipal roads)
- S. 294 - “A municipality is required to construct or maintain a municipal road only to a standard that is appropriate for the use to which the municipality expects the road to be put.”
- S. 295(2) - “Municipalities are required to construct or maintain a municipal road, bridge or drain... only to a standard that is appropriate for the use to which the municipalities agree they expect the road, bridge or drain to be put.”
- S. 386(2) - sets out what municipality is not liable for (re loss or damage in respect of a municipal road) - e.g. caused by construction, obstruction or erection or caused by rain, hail, snow, ice, sleet or slush on the road or on a sidewalk adjacent to or along a road (unless the municipality is grossly negligent)

### *Highways and Transportation Department Act, H40 (RSM 1987)*

- defines and sets standards for provincial roads
- S. 9(2) - Departmental roads shall be constructed and maintained to such standards as the minister may deem necessary or desirable in each case and not necessarily to the same standard to which any other departmental road is constructed and maintained; and different roads may be constructed and maintained to different standards.
- S. 34 - contravention of Act is subject to fine of \$25 or to imprisonment for term not exceeding 14 days, or both
- S. 35 - regulations may be made, regarding (*inter alia*):
  - a) respecting the placing of material on departmental roads
  - b) respecting the carrying out, building, constructing, reconstructing, establishing, or placing, any works or structures of any kind on a departmental road;
  - c) respecting the placing of signs, or advertising devices near to departmental roads;
  - d) respecting planting or placing of trees, etc.
  - e) prescribing the fees payable in respect of permits, leases, licences, certificates, authorizations, or applications for any applications/orders pursuant to this Act

### *Highways Protection Act, H50 (RSM 1987)*

- purposes of this Act are:
  - a) to control the location, construction and use of entrances to and exits from certain highways;

- b) to control the use made of land that is contiguous or adjacent to, or that lies near certain highways; and
  - c) control the erection of structures along certain highways;
  - d) with the objects of protecting the interests of the public in the highways, promoting the safety of persons using the highways and generally furthering the amenities of travel on the highways.
- establishes Highways Traffic Board to set regulations pertaining to this Act

## **Parks and Recreation**

### *Provincial Parks Act, P20 (SM 1993)*

- establishes purpose and process of setting up provincial park
- S. 10(1) - Minister may make regulations related to land use planning in provincial parks (e.g. protection, use, development, and subdivision of land and water or respecting the conditions under which buildings or other structures may be erected and designed
- S. 13 - Lieutenant Governor in Council may, by regulation, withdraw land that is designated as a provincial park from a municipality, local government district, school division, school district or other local government area
- S. 18-20 - describe process of setting up park district and establishment of service fees (for capital and administrative costs)
- S. 23-26 - enforcement procedures of act (e.g. right of entry for inspectors and officers, removal of unauthorized vehicles, seizures)
- S. 33 - list classes of regulations permissible by Minister, inter alia:
  - respecting public safety and security
  - respecting health and sanitation
  - respecting the protection of flora and fauna
  - respecting the use of roads, trails and public facilities
  - prohibiting or regulating the use, setting out and extinguishing of fire
  - prohibiting or regulating the use or keeping of horses, dogs and other animals

## **Land Use Planning**

### *Planning Act, P80 (RSM 1987)*

#### Part I - Administration

#### Part II - Provincial Land Use Planning

- S. 10 - describes purpose and establishment of Special Planning Areas (e.g. orderly development of parks or grounds; protection of dams, reservoirs, roads; protection or conservation of environment; preservation of historic and archaeological structures; preservation of wilderness areas; orderly development of new townsite

#### Part III - District Planning

- for planning districts consisting of the whole or parts of two or more municipalities, a planning board may be established (may be defined by topographical features, extent

of existing and probable urban development, existence of important agricultural, resources, recreational concerns, etc.)

- membership of board of planning district set by Lieutenant Governor in Council; must be composed of one or more members of council of each municipality or advisory council of each local government district; also establishes rules, quorum, etc. of a district board
- board is responsible for the administration and enforcement of: a) the zoning by-law or a planning scheme of any municipality within the district; b) the building by-law of any municipality within the district; c) the by-law for minimum standards of maintenance and occupancy of buildings of any municipality within the district
- district board must appoint a development officer, who may a) subject to such conditions and restrictions as council impose, issue development permits; and b) allow such minor variations to the requirements of the by-law or planning scheme

#### Part IV - Development Plans

- sets out purpose and process of development plan
- purposes are:
  - a) to serve as a framework whereby the district or municipality and the community as a whole may be guided in formulating development policies and decisions;
  - b) to identify the factors relevant to the use and development of land;
  - c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;
  - d) to set forth the desired timing, patterns and characteristics of future development of land and to determine the probable social, environmental and economic consequences thereof
  - e) to establish and specify the programs and actions necessary for the implementation of the development plan;
  - f) to outline the methods whereby the best use and development of land and other resources in adjacent municipalities, districts, or affected areas immediately abutting thereto, may be coordinated;
  - g) to identify those matters of government concern which affect the use and development of land and other resources within the district of the municipality
- sets out all contents of development plan; must, for example, set out policy with respect to a) sewage collection, treatment, disposal; b) water supply and distribution; c) garbage disposal; d) educational and cultural institutions; e) recreational facilities, parks, playgrounds and other public open spaces; f) fire and police facilities; g) transportation and communication facilities; h) facilities for the provision of health and social services; I) preservation of buildings and sites of historical interest

#### Part V - Land Use Control

- establishes use of development and building permits, the adoption of zoning by-laws (only where a development plan or basic planning statement is adopted for an area); sets out contents of a zoning by-law (e.g. map dividing municipality into zones); S. 43(2) sets out all standards pertaining to zoning by-laws (23 areas)
- S. 48.6 - deals with objections to zoning by-laws (to be heard by Municipal Board)
- redress body for variations is council itself

Part VI - Subdivision Control

Part VII - Enforcement

- penalty for infractions - \$1000 for individual, \$5000 for corporation

Part VIII - Transitional

Part IX - Northern Manitoba

- special provisions for north of province, which supplement *The Northern Affairs Act*

# Ontario

## **Building and Safety Codes**

### *Building Code Act (B.13)*

- S. 3 - all municipal councils must appoint chief building official and sufficient number of inspectors to enforce act (though permits multiple communities to share in the cost of enforcement)
- S. 11 - enumerates powers of building inspectors; requires consent of occupier to enter a dwelling (unless authorized through a search warrant)
- S. 13 - establishes Building Code Commission to hear disputes between an applicant for or holder of a permit and the chief official or inspector in respect of the interpretation of the technical requirements of the building code; may appeal to Ontario Court (General Division)
- S. 19 - regulations by Lieutenant Governor in Council (21 classes)
- S. 24 - offences and penalties

## **Water and Sewage**

### *Municipal Act (M.45)*

- S.210 (83) - local council may make regulations for establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works
- S. 210 (150) - local council may make regulations for prohibiting and inspecting any gaseous, liquefied or soil matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of drainage sewage or industrial wastes or both, whether connected to a treatment works or not
- S.221 (2) - local council may, by by-law, impose a sewer rate or water works rate upon owners or occupants of land who derive or may derive benefit therefrom
- S. 322 - council may set penalties (up to \$10,000 for first offence and \$25,000 for subsequent offence) of contravention of sewage by-laws

### *Ontario Water Resources Act (O.40)*

- S. 15 - permits inspections by provincial officers (without warrant of court order); lists classes of inspections
- S. 32 - measures to alleviate effects of impairment of water quality
- S. 35 - governs wells
- S. 63 - water and sewage works; process for application; may require approval of Environmental Assessment Board
- S. 65 - water and sewage rates
- S. 75 - Lieutenant Governor in Council regulations; includes (h) “classifying persons who operate water works, and sewage works and requiring and providing for the

licensing of water work and sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licenses may be issued, and prescribing and charging fees for such licenses, and providing for the revocation and suspension of licenses”

- S. 108 - offences under this act (\$10,000 - 25,000 for individuals; \$50,000 - 100,000 for corporations)

#### *Environmental Protection Act (E.19)*

- Part IV - prohibits waste on ice or water
- Part VIII - sewage systems
- S. 76 - require certificate of approval from director (as appointed in act) before operating a sewage system
- S. 77, 79 - permits director also to revoke licence
- S. 78 - must permit inspection of sewage facilities by provincial inspector
- S. 79 - lists powers of director
- S. 81 - minister may delegate powers of approval and inspections to a municipality; municipality may also prescribe fees for applications for certificates of approval, etc.
- S. 83 - offences and penalties (not greater than \$2000 for contravening section of act)
- Part XV - sets out powers of provincial inspection officers
- S. 176 (6) - Lieutenant Governor in Council regulations

### **Solid Waste**

#### *Environmental Protection Act (E.19)*

##### Part V - Waste management

- S. 27 - operation, enlargement, etc. of waste management system or waste disposal site requires approval by director (as appointed in this act); may also require hearing by Environmental Assessment Board
- S. 176 (4) - lists classes of Lieutenant Governor in Council regulations - e.g. “governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof”

### **Roads and Bridges**

#### *Municipal Act (M.45)*

- S. 284 (1) - every highway and bridge will be kept in repair by the corporation (the council) of which has jurisdiction over it or shall upon which the duty of repairing it is imposed by this Act
- S. 284 (4) - except in case of gross negligence, a corporation is not liable for a personal injury caused by snow or ice upon a sidewalk

## **Parks and recreation**

### *Public Parks Act (P. 46)*

- S. 1 - permits park, or system of parks to be established by a municipality
- S. 3 - Board of Parks Management to be set up to manage, regulate, and control all existing parks
- S. 11 - Board may pass by-laws for the use, regulation, protection and government of the parks

## **Land Use Planning**

### *Planning Act (P.13)*

- Part I - Provincial Administration: sets out responsibilities of the minister and delegation of powers
- Part II - Local Planning Administration: sets out how council may establish a planning advisory committee
- Part III - Official Plans: process for creating and adopting an official plan (along with citizen participation)
- Part IV - Community Improvement: planning for underdeveloped areas (within a municipality)
- Part V - Land Use Controls and Related Administration: sets out possible classes of by-laws that local municipalities may introduce
- Part VI - Subdivision of Land: subdivisions, part-lots
- Part VII - General: sets out classes of regulations for Lieutenant Governor in Council

# Quebec

## **Building and Safety Codes**

### *Building Act (B-1.1)*

Chapter IV - Qualifications of building contractors

Chapter VI - Creation of “Régie du bâtiment du Québec” to advise Minister on building and safety standards

Chapter VII - Review and Appeal to Régie

Chapter VIII - Regulations

- S. 175 - requirement of adoption of Building Code and Safety Code

Chapter IX - Offences

### *Cities and Towns Act (C-19)*

- S. 411 - councils can authorize inspection of houses, etc. and seizure

- S. 412 - can make by-laws regarding powers of building inspectors

- S. 412(XIII) - fire protection and fire brigades

### *Municipal Code of Quebec (C-27.1)*

- S. 492 - authority for inspectors to visit and examine all movable and immovable property between 7:00AM and 7:00PM

- S. 555, 633 - precautions against fire

### *Fire Investigations Act (E-8)*

- S. 1 - permits provincial appointment of fire investigation inspector for any judicial district in Québec

- S. 11-13 - authority and procedure for investigations

- S. 30.1 - regulations by provincial government

- S. 31 - offences and penalty

### *Fire Prevention Act (P-23)*

- S. 4 - Minister, by regulation, may (inter alia)

a) prescribe minimum measures of fire protection which must be taken by the owners and occupants of buildings in the categories which he designates

b) prescribe minimum standards of efficiency for appliances for fire alarms, fire protection and fire-fighting

- S. 6 - right of entry and inspection of fire investigators

- S. 8 - repair, demolition of damaged buildings

- S. 9 - offences and penalties

### *Public Buildings Safety Act (S-3)*

- provides for standards and inspection in public buildings such as churches, chapels, colleges, school-houses, theatres, etc.

- S. 4 - requirement of building permit
- S. 6 - duties of owners of public buildings (e.g. send to the inspector a written notification of every fire or accident which occurs in such a building within 48 hours from the occurrence of such a fire or accident)
- S. 7-10 - duties and powers of inspectors
- S. 12 - requirement for fire escapes in public buildings
- S. 35-36 - offences and penalties

### **Water and Sewage**

#### *Cities and Towns Act (C-19)*

- S. 413(IX) - council granted authority over sewers, drains and watercourses
- S. 423, 432 - council authority over water supply

#### *Municipal Code of Quebec (C-27.1)*

- S. 555.2 - protection of water sites and protection against flooding
- S. 557 - water and lighting

#### *Environment Quality Act (Q-2)*

- S.31.32 - S. 31.41 - depollution attestation to Minister for municipal wastewater treatment works
- S. 32-46 - quality of water and management of wastewater

### **Solid Waste**

#### *Cities and Towns Act (C-19)*

- S. 413(V) - council granted authority over garbage, cesspools and unsanitary conditions

#### *Environment Quality Act (Q-2)*

- S. 54-70 - provisions regarding waste management

#### *An Act respecting the establishment and enlargement of certain waste elimination sites (E-13.1)*

- requirement of permit for establishment or enlargement of sanitary landfill site or dry materials disposal site

### **Roads and Bridges**

#### *Cities and Towns Act (C-19)*

- S. 415 - council may make by-laws over streets and public squares

- S. 604.1 - exoneration of municipal responsibility with respect to roads: “The municipality is not liable for damage caused by the presence of an object on the roadway, whether or not the object comes from a motor vehicle or is projected by a motor vehicle.”

*Municipal Code of Quebec (C-27.1)*

- S. 631 - highways and sidewalks
- S. 711.20 - S. 892 - responsibility for maintenance of roads, bridges and watercourses

*An Act respecting Roads (V-9)*

- sets out ownership of roads in province
- S. 15 - Where there is no agreement or where the Minister does not do so, local municipalities must maintain their works and installations although they are not bound to clear snow from sidewalks
- S. 16 - The Minister shall maintain that part of an infrastructure that acts as a bridge for a municipal road which passes over a road which is under the management of the Minister. However, the municipality concerned remains responsible for the maintenance of the roadway, sidewalks, railings, drainage and lighting of such a bridge.

**Parks and Recreation**

*Municipal Code of Quebec (C-27.1)*

- S. 524.1-524.5 - authority granted to municipalities over public libraries, arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls

*Parks Act (P-9)*

- S. 2 - authority of province to set aside any lands for the purposes of conservation or outdoor recreation
- S. 7 - prohibitions in a park (e.g. hunting, trapping, prospecting)
- S. 9 - classes of government regulations
- S. 11 - offences and penalties

**Land Use Planning**

*An Act respecting land use planning and development (A-19.1)*

Chapter I - Regional County Municipal Development Plan

Division I

- every regional county municipality must maintain in force, at all times, a development plan applicable to its whole territory

Division II

- obligatory and optional content of development plan

- Division V
  - effects of the coming into force of the plan
- Division VI
  - amendment to the plan
- Chapter II - Planning By-Laws in Unorganized Territories
- Chapter III - Planning Programme of a Municipality
- Chapter IV - Municipal Planning By-laws
- Chapter V - Constitution of Planning Advisory Committees
- Chapter VI - Government Interventions
- Chapter VII - Special Planning Zones
- Chapter VIII - Protection of Lakeshores, Riverbanks, Littoral Zones, and Floodplains

## New Brunswick

### Building and Safety Codes

#### *Municipalities Act (M-22)*

- S. 93 - Lieutenant Governor in Council may by regulation approve codes that may be adopted by a municipality respecting standards for maintenance and occupancy of buildings and premises
- S. 109(1) - A council may make by-laws for the purposes of preventing and extinguishing fires and protecting property from fire, and, without restricting the generality of the foregoing,
  - a) establishing a fire department
  - b) providing for the purchase of vehicles and equipment;
  - c) providing for the appointment of fire prevention officers;
  - d) providing for compensation, by insurance or otherwise, to fire prevention officers and officers and members of the fire department for injuries received by them while performing their duties;
  - e) defining and establishing fire zones, regulating the construction and repair of buildings and the occupancy of buildings and premises within such zones;
  - f) regulating the storage, handling, transportation and disposal of flammable liquids, solids and gases;
  - g) prohibiting or regulating the storage of combustible, explosive or dangerous materials
  - h) regulating the installation of equipment for burning fuel;
  - i) regulating the cleaning of chimneys, flues, stove and furnace pipes;
  - j) requiring yards to be kept in a safe condition to guard against fire or other danger;
  - k) regulating the removal and safe keeping of ashes;
  - l) prohibiting or regulating the lighting of fires outside for the disposal of refuse and prescribing the location and construction of public and private incinerators;
  - m) providing that a fire prevention officer, the chief of the fire department or any other person authorized in writing by either of them may enter any building at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire;
  - n) regulating the conduct and requiring the assistance of persons present at fires;
  - o) authorizing the pulling down or demolition of buildings or other erections to prevent the spread of fire;
  - p) authorizing fire prevention officers to enforce the *Fire Prevention Act* and the regulations made thereunder
- S. 109(2.1) - provides for penalty for anyone who fails to comply with an order of a fire prevention officer

- S.148 - permits council to make by-laws for subdivision and building permits
- S.188(2) - permits municipality to make by-laws providing for the regulation of mobile home sites and the regulating and licensing of tourist camps, trailer camps and mobile home parks
- S. 190 - grants authority to municipalities to guard against dangerous or unsightly premises
- S. 192 - details classes of regulations that Lieutenant-Governor in Council may make

*Fire Prevention Act (F-13)*

- creates a fire marshal with adequate powers of inspection and investigation. May make recommendations on the following:
  - a) technical requirements to be observed by fire departments and brigades;
  - b) provision of adequate water supply for the suppression and prevention of fires;
  - c) installation and maintenance of electrical installation and equipment in buildings;
  - d) installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
  - e) storage, use, or sale of combustibles, explosives and other flammable matter;
  - f) construction and maintenance of fire escapes;
  - g) means and adequacy of alarms in and exit from buildings in case of fire;
  - h) enactment and enforcement by municipalities of by-laws or ordinances for the prevention of fire and the safeguarding of persons and property in the event of the fire
- S. 7(4) and 11 - permits unrestricted access to buildings by fire marshal or designate for purposes of investigation or inspection
- S. 7(6) - allows for fire marshal or designate to close premises until completion of investigation and to perform any tests on the building or premises
- S. 9-10 - spell out procedure for inquiry into fire
- S. 12 - In cases of dangerous or hazardous buildings, fire marshal or designate may order owner or occupant to:
  - a) remove or demolish such building or make such repairs or alterations as such officer deems necessary;
  - b) remove such combustible or explosive material or remove or repair anything that may constitute a fire hazard;
  - c) install safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such fire escapes and exit doors as such officer deems necessary;
  - d) carry out drills and evacuation procedures as the fire marshal feels necessary where the major concern is to save lives by an orderly evacuation of persons at the time an emergency arises.
- S. 23-26 - sets out fees and penalties for hindering work of fire marshal or contravening act (to be consistent with *Provincial Offenses Procedures Act*)
- S. 30 (1) - Lieutenant Governor in Council may make regulations:
  - a) governing transportation, handling, sale and storage of petroleum products,
  - b) respecting the sale and installation of oil burning equipment;

- c) respecting the conditions under which a fire extinguisher or oil fired unit shall be acceptable;
- d) prescribing building standards and fire prevention standards;
- e) designating other explosives as fireworks;
- f) respecting the use of fireworks;
- g) to carry out the purposes of this Act including matters in respect of which no provision has been made.

## **Water and Sewage**

### *Health Act (H-2)*

- S. 14(1) - "Where the establishment of a system of waterworks for the purpose of providing a water supply for public consumption, or the establishment of a common sewer or a system of public sewage disposal, or the alternation or extension of any existing system of waterworks, sewers or sewage disposal is contemplated by a municipality or by any person, the municipality or person shall submit to the Minister the plans, specifications, engineers' reports, estimates, and all information and data in connection with the proposed system of waterworks or sewage disposal, and an analysis of the water from the proposed source or sources of water supply, verified by affidavit stating that the plans and specifications so submitted are those to be used and followed in the construction of the proposed system, that the particulars set forth in the analysis are true, and that the water analyzed was properly taken from the proposed source or sources of supply."
- S. 14(2) - Minister's approval required for construction, alteration, or operation of any system of waterworks or sewage disposal
- S. 15(1) - Minister may order alteration in quality of water when deemed to be a menace to public health

### *Municipalities Act (M-22)*

- S. 189(1) - re: utility corporations - Where a municipality provides water or a sanitary sewerage system, the municipality shall construct, operate and maintain such service or utility on a user-charge basis, which may be established on an amortized or any other basis as to the municipality shall seem fit, and may establish a separate or joint rate thereof. (Subsequent provisions under S. 189 provide for financial reporting and budgeting procedures for utilities)
- S. 189(8) - defines "user-charge" (e.g. through use of meter, flat rate based on different classes of users, separate charge for each type of plumbing fixture)
- S. 193.1(2) - also demands user-charge payment for water or sanitary sewerage systems that have been acquired by the province

### *Clean Environment Act (C-6)*

- S.5 - permits Minister to issue Ministerial Order requiring action in number of areas, e.g. to install, replace or alter a wastewater treatment facility

- S. 15.2 - permits Lieutenant Governor in Council to establish corporation for purposes of constructing or operating waterworks, supplying water, disposing of wastewater, etc.

#### *Clean Water Act*

- S- 4(1) - permits Minister to issue Ministerial Order requiring action in number of areas, e.g. to eliminate the release of a contaminant or water into or upon water; install, replace or alter a wastewater treatment facility or waterworks
- S. 8 - provides for recovery of costs incurred from contaminants released in water
- S. 10(2) - the Minister may by order:
  - a) designate as a contaminant a solid, liquid, gas, micro-organism, odor, heat, sound, vibration, radiation or combination of any of them, and
  - b) establish the maximum amount of a contaminant that is permissible
- S. 11(1) - established standards on drilling wells
- S. 11(3) - Every owner of a public water supply shall have the water in the public water supply system tested in accordance with regulations
- S. 13.1 (2) - Establishes Potable Water Advisory Committee to advise Minister on matters of water safety
- S. 17 - allows Minister to designate inspectors who may enter any area premise where contaminant is believed to be released and could pose a threat to the quality of water; also sets out means of entry and seizure of evidence
- S. 25 - sets out fines and penalties for contravention of act: min \$500/max \$50,000 for individual and min \$1000/max \$1,000,000 for corporation
- S. 31 - establishes Land and Water Advisory Committee, whose duties are to advise Minister on provision and regulations pertaining to Act and to make recommendations to Minister concerning land and water use policies
- S. 40 - defines classes of regulations for Minister (32 categories). Includes: respecting the establishment of a water classification system; prescribing and providing for methods of water testing, establishment of licences and permits

#### **Solid Waste**

##### *Clean Environment Act (C-6)*

- S. 15.3 - permits establishment of regional solid waste commission, which may:
  - a) construct and operate solid waste collection and disposal facilities
  - d) operate solid waste collection and disposal on behalf of a person
  - h) assess, charge, and collect fees for service
- S. 15.4 - establishes membership in regional solid waste collection commission
- S. 15.7 - stipulates that regional solid waste commission shall make provision for revenues so as to produce an annually balanced budget
- S. 24 - an inspector, as designated by the Minister, may
  - a) enter any area or premises where the inspector reasonably believes a contaminant or waste was or is being or will be produced;
  - c) take any sample

- S. 24.1 - an inspector shall not enter a private dwelling (under S. 24) unless the inspector a) is acting in an emergency situation, b) has the consent of a person who appears to be an adult and an occupant of the building, or c) obtains an entry warrant in accordance with the Entry Warrants Act
- S. 31.1(2) & 32 - designates categories in which the Lieutenant Governor in Council may make regulations (approx. 80 listed)
- S. 33 - establishes fines and penalties for contravention of act - min \$500/max \$50,000 for individual and min \$1000/max \$1,000,000 for corporation

#### *Highway Act (H-5)*

- S. 58-62 - grants authority to Minister for supervision of provincial dumps (e.g. car or rural dump)
- S- 69-70 - enumerates offences and penalties

### **Roads and Bridges**

#### *Municipalities Act (M-22)*

- S. 186-187 - establishes title to municipalities over highways and outlines procedure for closing highways

#### *Highway Act*

- sets classes of provincial highways, though provides for agreements with municipalities whereby the province may build a road while the municipality maintains it (S. 49(1))
- S. 32 - governs release of provincial highways to cities, towns or villages
- S. 47(1) - The Minister may construct, reconstruct, repair and maintain a highway that lies within a city, town, or village including the storm drainage, catch basins, curbs and gutters associated with the highway, but shall not carry out or provide for:
  - a) street flushing or sweeping
  - b) cleaning or maintenance of catch basins, storm sewers or drainage ditches once constructed or reconstructed;
  - c) street lighting, traffic signals, sidewalks, boulevards or tree planting.

#### *New Brunswick Highway Corporation Act (N-5.11)*

- S. 38(1) - Lieutenant-Governor in Council may make regulations concerning, inter alia:
  - respecting tolls to be charged for the use of toll highways
  - the establishment and administration of a body to hear reviews or appeals respecting disputes that may arise in relation to the use of toll highways

### **Parks and Recreation**

#### *Parks Act (P-2.1)*

- sets out means of establishing provincial park
- S. 8(2) - Permits Minister to:
  - a) construct and operate toilet, dressing room, picnic camping, cooking, bathing, parking and other facilities for the convenience of the public;
  - b) construct and operate restaurants, refreshment booths, shops, and other facilities for the convenience of the public;
  - c) construct and operate buildings, compounds, cages, pools and other facilities for the public display of fish and wildlife;
  - d) construct, renovate, restore, repair and improve any building, structure, or site in order to preserve its historical significance;
  - e) make an agreement with any person with respect to any matter coming within the purview of this subsection;
  - f) prescribe by erection, posting or other display of notices, the time or times of the day or year during which a provincial park or any part thereof is open or closed, as the case may be, for the use of the public,
  - g) construct and operate recreation facilities he considers necessary for the convenience of the public.
- S. 16(2) - list classes of regulations pertaining to Act, including, inter alia:
  - prohibiting or regulating prospecting or staking out of mineral claims
  - regulating the use of lands in provincial parks;
  - prohibiting or regulating the use setting and extinguishing of fire in provincial park
  - providing for issuing of permits for persons to enter and travel in provincial parks
  - prescribing fees or rental payable for any permit given in respect of a provincial park, or for any use of land, buildings, installations or facilities
  - prohibiting or regulating the cutting and removal of forest products

## **Land Use Planning**

### *Community Planning Act (C-12)*

- Scope of Act:
  - a) divides province into seven planning regions and provides for the adoption of regional development plans for the general development thereof;
  - b) establishment of planning districts to coordinate community planning within the context of regional plan;
  - c) vests authority in Minister for planning within unincorporated parts of province
  - d) for rural communities, vests authority in rural community committees of planning authority and the provision of administrative services
  - e) adoption of development schemes and urban renewal schemes by municipalities
  - f) establishment of district planning commissions and planning advisory committees;

- g) paying by the Province of costs of preparing regional plans, and a share of expenses of commissions
- h) administration by development officers of regional plans, municipal plans, rural plans, basic planning statements and by-laws and regulations under this Act;
- i) conferring of a power of variance, within defined limits, on commissions and advisory committees;
- j) establishment of a Provincial Planning Appeal Board to hear permitted appeals;
- k) by-laws with respect to zoning, subdivision, building, deferred widening and controlled access streets;
- l) making of regulations with respect to planning for unincorporated areas; and
- m) administrative powers and procedures

## Nova Scotia

### Building and Safety Codes

#### *Building Code Act (c. 46)*

- S. 4 - permits Minister to make regulations:
  - a) adopting by reference the National Building Code of Canada or any change thereto or any other code or requirement issued by the National Research Council, or any change thereto, in whole or in part with such modifications and additions as may be specified in the regulations, and requiring compliance with its as adopted;
  - b) applying any or all the regulations to particular classes of buildings;
  - c) requiring the approval of an inspector in respect of any method or matter of construction or demolition;
  - d) requiring notice to be given to an inspector respecting i) any matter in the course of demolition or construction, or, ii) any change in prescribed classes of occupancy in a building;
  - e) requiring the transmission of reports and reviews to the inspector;
  - f) requiring the making of tests, inspections or surveys necessary to prove compliance with the regulations;
  - g) requiring the remedy of an unsafe condition;
  - h) requiring that any part of the design, construction or demolition of a building be under the review of an architect or engineer;
  - i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- S. 2 - council, with approval of Minister, can prescribe additional standards applicable to the construction or demolition of buildings
- S. 7 - allows municipal councils to establish building permits and fees
- S. 10 - allows entry of inspectors into “any land or premises at any reasonable time without a warrant”
- S. 11 - powers of building inspectors
- S. 13 - establishes Nova Scotia Building Advisory Committee to provide advice to Minister, provide liaison between Minister and National Research Council, and hear appeals regarding disputes

#### *Municipal Act (c. 295)*

- S. 124 - prohibition against dangerous or unsightly premises; lists penalties of between \$100 and \$1000 upon summary conviction
- S. 126-40 - establishment of fire protection zones

#### *Fire Prevention Act (c. 171)*

- S. 2 - lists classes of Lieutenant Governor in Council regulations, inter alia:

- respecting the approval, licensing, sale, installation, maintenance and testing of fire extinguishing equipment, apparatus and supplies and of fire alarm system;
- requiring the installation of a sprinkler system in any building;
- respecting fire prevention and life safety in buildings;
- S. 3 - lists duties of Fire Marshall
- S. 19 - “It shall be the duty of the council of every city, town and municipality to provide for a regular system of inspection of buildings and premises situate within the city town or municipality.... Such system of inspection shall provide for the inspection at least once in every four months of all hotels, theatres, cinematographs, skating rinks, dance halls, and every other building used as a place of public resort or amusement.”
- S. 20 - duty to inspect schools (at least once every four months)
- S. 23 - offences and penalties

*Towns Act (c. 472)*

- S. 115-127, 151 - provisions regarding fire protection in towns

**Water and Sewage**

*Municipal Act (c. 295)*

- S. 119 - powers respecting sewer or drainage system; includes offences and penalties
- S. 120 - permits council to impose a pollution control charge on users of sewerage systems

*Environmental Protection Act (c. 150)*

- S. 8 - Minister may, inter alia, regulate and control the construction, operation and maintenance of water treatment facilities and waste treatment facilities, including waste disposal sites

*Water Act (c. 500)*

- S. 7 - lists classes of Governor in Council regulations, inter alia,
  - a) respecting water quality standards
  - b) respecting uses to which specified water or watercourses may be put;
  - c) defining contaminants and permissible limits for such contaminants
  - d) respecting licenses and permits to be issued
- S. 8 (2) - right of inspection by Minister of works, books, accounts, papers, and records of any person using a watercourse
- S. 12 - outlines approval process of water works
- S. 13 - outlines approval process of sewage works

*Towns Act (c. 472)*

- S. 107-113 - provisions regarding sewers in towns

## **Solid Waste**

### *Municipal Act (c. 295)*

- S. 99 - permits municipal by-laws to (s) provide for dumps or places of deposit for garbage, etc. and (aa) licencing persons engaged in the business of removing or collecting garbage and to fix the maximum charges to be made by the licensee

### *Environmental Protection Act (c. 150)*

- S. 8 - Minister may, inter alia, investigate and control problems of pollution, waste management, waste disposal, litter management and litter disposal

### *Towns Act (c. 472)*

- S. 153 - permits by-laws in towns regarding (t) authorization of council by resolution to provide for dumps, etc. and (u) licencing persons engaged in the business of removing and collecting garbage

## **Roads and Bridges**

### *Public Highways Act (c. 371)*

- S. 19 - lists Governor in Council regulations for use and protection of highways, which include:
  - a) traffic on highways;
  - b) the weight of vehicles and the contents thereof upon the highways;
  - c) the width of tires on the wheels of vehicles;
  - d) the conveyance of articles of burden, goods, wares, merchandise and buildings on the highways;
  - e) the use of chained or armoured tires on motor vehicles.
- S. 31 - provides for provincial-municipal cooperation in sidewalk construction and maintenance
- S. 34 - imposes duty on citizens (physically fit males between ages of 16 and 60) to shovel highways
- S. 43 - prohibits garbage on highway or drain
- S. 48-49 - regulations respecting placement of advertising signs near highways

### *Towns Act (c. 472)*

- S. 70-84, 89-100 - provisions regarding public streets in towns (e.g. penalties for obstruction for street or sidewalk, snow removal)

## **Parks and Recreation**

### *Parks Development Act (c. 322)*

- provides for the establishment of a campsite by municipal council or through agreements of various municipal councils

*Provincial Parks Act (c. 367)*

- S. 6 - permits Governor in Council to set aside Crown land as park reserve for the purpose of protecting these lands that have the potential to be a provincial park
- S. 13 - enumerates powers of the Minister, which include:
  - a) co-ordinate and implement provincial park policies and programs in co-operation with federal, provincial or municipal governments or agencies thereof or other persons;
  - b) construct and operate buildings and facilities for the convenience of the public and necessary for the purposes of a provincial park;
  - c) construct and operate food concessions and other facilities for the convenience of the public;
  - d) construct and operate buildings, compounds and other facilities for the public display of exhibits;
  - e) construct, renovate, restore, repair and improve any building, structure or site in order to preserve its historical significance;
  - f) construct and operate recreation facilities that the Minister considers necessary for the convenience or benefit of the public;
  - g) prescribe the use to be made of a provincial park by erecting, posting or otherwise displaying notices and signs;
  - h) initiate conferences and meetings respecting provincial parks;
  - i) declare the dates in the year when a provincial park is opened and closed to the public;
  - j) dispose of flora and fauna in a provincial park;
  - k) issue permits for scientific, historic and educational research within a provincial park;
  - l) take such measures as the Minister deems necessary to protect flora and fauna within a provincial park;
  - m) prepare a management plan to guide the long-term development and operation of a provincial park;
  - n) prohibit or regulate the cutting and removal of forest products in a provincial park;
  - o) undertake matters that may be assigned to the Minister pursuant to this Act and regulations.
- S. 37 - lists classes of regulations for Governor in Council

**Land Use Planning**

*Planning Act (c. 346)*

- S.2 - Purpose of the Act is to:
  - a) enable the Governor in Council to identify and protect the interests of the province in the use, development and subdivision of land through the adoption

- and administration of provincial land-use policies and regulations and provincial subdivision regulations;
- b) enable municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban or rural character through the adoption of municipal planning strategies, land-use by-laws and subdivision by-laws consistent with the policies and regulations of the province;
  - c) establish a consultative process which will ensure the right of the public to have access to information and participate in the formulation of policies, regulations, strategies and by-laws, including the right to be notified and heard before decisions are made under this Act; and
  - d) provide for the fair, reasonable and efficient administration of this Act, in order that sound development may be encouraged.
- S. 7 - outlines content of the provincial land-use policies
  - S. 10 - provides for public meetings and advertisement relating to changes in provincial land-use policy
  - S. 16, 17 - process of establishing a district planning commission
  - S. 18 - Duties of planning commission:
    - a) advise and assist the council of any participating municipality in matters affecting planning generally;
    - b) promote the interest in the activities of the commission and follow procedures established by the participating councils for involving members of the public in planning matters generally;
    - c) advise and assist the council of any participating municipality in the preparation or amendment of a planning strategy, land-use by-law or subdivision by-law;
    - d) exercise such rights and powers and perform such duties as may be vested in it by the Minister or may, with the approval of the Minister, be delegated to it by the council of a participating municipality pursuant to this or any other Act.
  - S. 38 - outlines content of a municipal or inter-municipal planning strategy
  - S. 78 - provides for appeal of planning decisions to Nova Scotia Municipal Board

## Prince Edward Island

### Building and Safety Codes

#### *Municipalities Act (M-13)*

- S. 64(b) - authorizes municipal council to make by-laws regarding i) fire prevention programs; ii) fire protection services and equipment; and iii) the management of municipal fire departments
- S. 64(i) - authorizes municipal council to make by-laws with respect to minimum building and site development standards providing for development agreements pertaining to site development and servicing
- S. 64 (l) - authorizes municipal council to make by-laws with respect to unsightly properties and, in particular,
  - i) setting out responsibilities of property owners for maintenance of their property and specifying minimum standards for such maintenance;
  - ii) prohibiting property owners from allowing or causing trash, junk, weeds, derelict vehicles and machines and their parts and other waste materials to accumulate;
  - iii) requiring action to clean up property and setting out the responsibilities of property owners;
  - iv) requiring the removal of dilapidated structures and setting out the responsibilities of property owners;
  - v) concerning temporary storage of materials

#### *Fire Prevention Act (1988, F-11)*

- S. 6 - duties of provincial Fire Marshal, which includes:
  - a) the prevention of fires;
  - b) the storage, sale and use of combustibles and explosives;
  - c) the equipment;
  - d) the installation and maintenance of automatic or other fire alarm systems and fire-extinguishing construction, maintenance and regulation of fire escapes;
  - e) the means and adequacy of exit in case of fire
  - f) the suppression of arson and investigation of the cause, origin and circumstance of fires.
- S. 10-13 - inspection of fires and orders for repair and destruction, etc.
- S. 16 - appeals from orders
- S. 19-22 - offences and penalties
- S. 24(1) - Lieutenant Governor in Council regulations
- S. 24(2) - “If a code of fire safety rules or standards for fire safety has been promulgated by any association or body of persons and is available in printed form, the Lieutenant Governor in Council may, upon the recommendations of the Minister, by Order in Council declare such codes or standards to be in force in whole or in part or with such variations as may be specified in the order.”

*Provincial Building Code (P-24)*

- S. 2 - permits Lieutenant Governor in Council to “make regulations as he considers desirable to regulate and control the use of buildings, to regulate and control the use of materials, equipment and appliances in the construction of buildings, and set standards of construction in the erection of buildings”. Regulations may be made (*inter alia*):
  - a) to control the use of land with respect to location, design and construction of buildings and to prohibit the erection or occupancy of buildings unless due provision is made for sanitary facilities, water supply, drainage, fire standards and other works and facilities;
  - b) to prohibit or restrict any occupation or use of any land or building where considered advisable;
  - c) declare a specified edition or printing of the National Building Code of Canada and any subsequent amendment, abridgment or revision to be in force or in part with such revisions, revocations or modifications as may be specified in the regulations;
  - d) prescribing the use, method of construction or method of demolition of any building by a person;
  - e) prescribing the use, form and content of permits for the use, construction or demolition of any building and providing for the issuance of those permits;
  - f) prescribing standards of qualifications of inspectors;
  - g) prescribing the fees to be charged for the issuing of permits.
- S. 5 - establishes Prince Edward Island Building Standards Council to advise Minister on matters concerning this act and to review standards of quality and safety of building and construction materials for sale, and in use, in the province
- S. 7-8 - powers of building inspectors including ability to “enter any land or premises at any reasonable time for the purposes of carrying out any of his duties under this Act”
- S. 14 - outlines appeal procedure to Building Standards Council
- S. 17 - offences and penalties

*Unsanitary Property Act (U-5)*

- S. 2 - permits inspector to issue a clean-up order for real property considered to be unsanitary
- S. 8 - appeal procedure
- S. 14 - right of entry of inspectors and offences and penalties for obstructing inspection (fine not less than \$100 and not more than \$1000)
- S. 15 - Lieutenant Governor in Council regulations
- S. 17 - offences and penalties for non-compliance with orders

*Public Health Act ( P-30)*

- S. 14 - If a building is, in the opinion of the Chief Health Officer, unfit for human habitation or if there exists therein any condition that might endanger the public health he may, by order in writing,

- a) direct that the building be vacated and closed and give notice thereof to the owners and the occupants;
- b) direct the owner of the building, within such time as may be specified in the order, to alleviate the health hazard or, at the option of the owner, to demolish the building at the owner's expense.

## **Water and Sewage**

### *Municipalities Act (M-13)*

- S. 64(f) - authorizes municipal council to make by-laws regarding sewerage systems and, in particular,
  - i) controlling discharge into sewerage systems;
  - ii) setting standards and requirements for connection to sewerage systems;
  - iii) establishing procedures and cost-sharing formulae for sewer trunk line and lateral line extensions;
  - iv) setting sewerage user rates;
  - v) establishing a mandatory maintenance system for septic tanks and tile fields, entering upon private property for inspection and maintenance purposes, limiting the liability of the municipality for damage to private property in the course of inspection and maintenance and setting user rates.
- S. 64(h) - permits municipal council to set by-laws with respect to the installation, operation and maintenance of piped water systems, and setting standards and cost-sharing formulae for connection and extensions.

### *Water and Sewerage Act (1988, W-2)*

- S. 3 - requires utility corporate to submit plans to and receive permit from the Public Utilities Commission Act
- S. 10 - basis for water/sewage rates and charges
- S. 18-19 - possible requirement of public hearing for changes to utility rates (as ordered by Public Utilities Commission Act)
- S. 26 - penalty for offences

### *Environmental Protection Act (E-9)*

- S. 10 - permit required for alteration of watercourse, including:
  - a) constructing a control dam, river diversion or drainage diversion;
  - b) drainage, pumping, dredging, excavating, or removing soil, mud, sand, gravel, aggregate of any kind, or rubbish from any watercourse or wetland;
  - c) deliberately dumping, infilling, or depositing in any watercourse or on any wetland any soil, stones, sand, gravel, mud, rubbish, litter or material of any kind;
  - d) erecting or placement of structures, driving of piles or placing of obstructions in any watercourse or any wetland
- S. 12 - regulations regarding wells
- S. 13 - approval required for waste treatment and water supply systems

- S. 25 - Lieutenant Governor in Council regulations (22 classes)
- S. 32 - offences and penalties

### **Solid Waste**

#### *Municipalities Act (M-13)*

- S. 64 - authorizes municipal council to make by-laws with respect to garbage collection and disposal services and, in particular,
  - i) disposal sites for garbage and offensive wastes;
  - ii) temporary storage;
  - iii) municipal clean-up programs.

#### *Environmental Protection Act (E-9)*

- S. 24 - no person shall litter a) upon any land that is owned by another person; b) upon any land that is vested in the Crown; or c) into or upon any water.
- S. 25(g) - Lieutenant Governor in Council may make regulations respecting the design, construction, adaptation, alteration, operation, maintenance, and installation of systems, processes or works to abate or control contamination or other environmental damage, including waste disposal and landfill sites, waste treatment systems and incinerators.

### **Roads and Bridges**

#### *Municipalities Act (M-13)*

- S. 64 - authorized municipal council to make by-laws

#### *Roads Act (R-15)*

- S. 5 - approval of opening of highway required by province
- S. 6 - Minister shall have the supervision and general control over the laying out, opening, altering, building, improving, maintenance, and repair of all bridges and other works pertaining to roads, highways and bridges in the province.
- S. 13 - Minister may appoint inspectors with powers of enforcement
- S. 15 - No provincial civil servant or any employee of the Department of Transportation and Public Works shall, directly or indirectly, alone or with any other person, have any share or interest whatsoever in any contract let under this Act.
- S. 18, 23 - expropriation of lands for road purposes
- S. 54 - regulations by Minister
- S. 55 - regulations by Lieutenant Governor in Council

### **Parks and Recreation**

#### *Municipalities Act (M-13)*

- S. 64(d) - authorizes municipal council to make by-laws with respect to parks, recreational lands, sports facilities and municipal recreational programs

*Recreation Development Act (R-8)*

- S. 2 - sets out powers of Minister to promote and encourage orderly development of recreation facilities and recreation services in the province
- S. 4 - enumerates powers of local council in establishing recreation services and parks
- S. 8 - establishes compensation procedure for expropriation of land for use as provincial parks and creates Land Acquisition Review Board to determine adequate compensation
- S. 11,12 - prohibitions against particular activities in park
- S. 15 - Lieutenant Governor in Council regulations

**Land Use Planning**

*Planning Act (P-8)*

Part I - Land Use Commission

- functions include hearing appeals (under Part V), establishing procedures and guidelines governing appeals, approving officials plans (under Part III)

Part II - Provincial Planning

- classes of provincial planning regulations, including building standards, permits, environmental protection, special planning areas, enforcement, etc.

Part III - Municipal Planning

- outlines responsibilities of a municipal planning board; demands that board hold public meetings; outlines content of an official plan

Part IV - Enforcement

- grants enforcement to the Minister and sets out penalties for contravention of Act or by-laws made pursuant to Act

Part V - Appeals

- 21 day window for appeal to Land Use Commission

Part VI - Major Development

- refers to planning regarding commercial, industrial, institutional or intensive livestock development or large subdivision of land

Part VII - Major Retail Development

- governs planning of shops, etc.

Part VIII - General

## Newfoundland

### Building and Safety Codes

#### *Municipalities Act (M-23)*

- S. 193 - permits council to make regulations:
  - 1) with respect to the control and management of the town fire department;
  - 2) to adopt in whole or in portion the National Fire Code of Canada or another code, with or without modification, and supplements or amendments to the National Fire Code of Canada or another code;
  - 3) where a council has adopted the National Fire Code of Canada or another code, the code and supplements and amendments to the code then in force shall be kept in the office of the council and shall be available for inspection by members of the public
- S. 196-199 - powers of fire department
- S. 211 - requirement of issuing building permits
- S. 212 - permits council to make regulations regarding buildings and shall submit these regulations for the approval of the minister
- S. 213 - permits adoption of National Building Code of Canada
- S. 214 - permits council to remove a building (e.g. if in dilapidated state or is unfit for human habitation) by order
- S. 216 - permits appeal of order to appropriate regional appeal board (established under the *Urban and Rural Planning Act*)

#### *Building Standards Act (B-8)*

- S. 3 - Lieutenant-Governor in Council regulations
- S. 3(2) - Lieutenant-Governor in Council may by order adopt and constitute as regulations by reference
  - a) the National Building Code of Canada or an official abridgement;
  - b) the Code or abridgement with the exception of specified provisions;
  - c) specified provisions of the Code or abridgement; and
  - d) an amendment to the Code or abridgement made with or without modification
- S. 4 - offences and penalties: contravention of Act or regulation liable upon conviction of \$200 fine or 6 months imprisonment

#### *Buildings Accessibility Act (B-10)*

- purpose of Act is to require access of physically disabled persons to public buildings, apartment-type buildings, hotels and building links

#### *Fire Prevention Act (F-11)*

- S. 3 - appointment of Provincial Fire Commissioner

- S.5 - duties of fire commissioner include (inter alia) rendering advice and making recommendations to the minister and to councils with respect to:
  - i) establishment of fire brigades
  - ii) provision of adequate water supply for fire fighting purposes;
  - iii) installation and maintenance of fire alarm systems and fire extinguishing equipment;
  - iv) the storage, use, sale or disposal of combustibles, explosives or other flammable material,
  - v) the construction and maintenance of fire escapes and other exit facilities in the event of fire or the alarm of fire,
  - vi) the types and adequacy of fire alarms in communities and in or upon a building or property,
  - vii) fire prevention precautions in the construction or major alteration of or addition to a structure or property,
  - viii) the assessing of fire hazards,
  - ix) electrical installations in or upon a structure or property;
  - x) the enactment and enforcement by councils of regulations, by-laws or ordinances for the prevention and suppression of fire and the safe-guarding of persons and property in the event of fire or the alarm of fire
- S. 9 - right of entry into property for fire inspectors
- S. 12 - power to inspect
- S. 13 - orders for:
  - a) removing or demolishing property
  - b) installing safeguards (e.g. fire extinguishing equipment, fire and smoke alarms, etc.)
  - c) fire drills
  - d) removing flammable, combustible or explosive material
  - e) altering the use or occupancy of the property
  - f) evacuating or closing the property or part of it
- S. 20 - right of appeal of orders (to court)
- S. 25 - Lieutenant-Governor in Council regulations

## **Water and Sewage**

### *Municipalities Act (M-23)*

- S. 157 - permits municipal council to construct, acquire, establish, own and operate a public water and sewage system
- S. 165 - permits council to make regulations respecting the control and management of the water and sewage system
- S. 217 - requirement of permit (issued by council) for construction of privy, sewer system, septic tank, or sewer system
- S. 218 - Permits council to make regulations (to be submitted for the approval of the minister):

- a) controlling the construction, location, use and maintenance of privies, sewer systems, septic tanks, and sewers;
- b) governing the digging, drilling, use and construction of well and water supply systems;
- c) prohibiting and controlling the use of a source of water that council considers dangerous to public health

*Department of Environment and Lands Act (D-11)*

- S. 22 - ministerial approval required for construction and operation of municipal waterworks
- S. 24 - ministerial approval required for construction and operation of municipal sewage works
- S. 28 - minister may issue stop order for works if excessive pollution
- S. 29 - permits appeal by persons aggrieved by a stopping order
- S. 33- Lieutenant-Governor in Council may make regulations (inter alia):
  - a) prescribing standards of quality of water supplies intended for household, industrial or irrigation purposes, with power to adopt, with or without modification, published codes, rules or standards relating to water quality;
  - b) adopting by reference in whole or in part with or without modification and a supplement or amendment regulation of the Government of Canada, and a code, rule or standard adopted by a recognized engineering association in Canada, Great Britain or the United States
- S. 34 - powers of environmental inspectors
- S. 47 - offences

*Waters Protection Act (W-5)*

- S. 3 - The minister shall have the general oversight and care of all inland waters, whether standing, running or below ground, for the purpose of keeping them, where possible, fit for drinking and domestic purposes and free from a condition which is or might be injurious to the public health
- S. 4 - right of inspection over water, buildings on the watershed and the sanitary arrangements
- S. 7 - a person shall not a) build a house; b) establish a farm or farm building; c) establish a cemetery or burial ground; or d) lay a sewer or sewage disposal arrangement, upon the watershed or river or body of water from which a public supply of water for drinking and domestic purposes is drawn without the prior permission of the minister.
- S. 8-9 - offences and penalties

**Solid Waste**

*Municipalities Act (M-23)*

- S. 184 - The council shall provide for the collection of solid waste within the town and for its disposal in a manner and in a place, either inside or outside the boundaries of the town.
- S. 185 - permits council to charge fee for collection and disposal of solid waste
- S. 186 - council may order the removal from real property of solid waste, noxious substances, and anything that poses a hazard to public health and safety or adversely effects the amenities of the surrounding property
- S. 187 - council may make regulations providing for:
  - a) the storage and the collection of solid waste;
  - b) the prevention of littering;
  - c) the definition of waste and litter;
  - d) the operation of the disposal site

*Waste Material Disposal Act (W-4)*

- S. 4 - Powers of minister, which include (inter alia) to establish, construct, take over and operate, or manage those waste disposal sites and waste management systems that the Lieutenant-Governor in Council may approve as being necessary or desirable to establish, construct, take over and operate, or manage in the public interest
- S. 5 - grants power of minister to declare waste disposal site
- S. 11 - a person shall not establish, alter, enlarge or extend a waste management system or a waste disposal site unless a certificate has been issued to the owner by the minister
- S. 15 - process for application of a certificate authorizing waste management system or waste disposal site
- S. 16 - right of appeal to court
- S. 21 - Lieutenant-Governor in Council regulations
- S. 23 - offences and penalties (up to \$2000 per day during which offence occurs)

**Roads and Bridges**

*Municipalities Act (M-23)*

- S. 166 - vests ownership of roads, sidewalks and bridges within the town to the council
- S. 167 - a privately constructed road constructed with the approval of the council that is to be used by the public shall be taken over by the council as a public road, without compensation, upon the council being satisfied that the road has been brought up to a standard satisfactory to the council and may reasonably be regarded as necessary for public use
- S. 169 - the council may order the closing of a public road, sidewalk or bridge either temporarily, in order to effect repairs or to prevent damage to the road, sidewalk or bridge, or permanently, where the council considers it necessary to do so
- S. 180 - permits council to make regulations regarding roads, fences, sidewalks, etc.

## **Parks and Recreation**

### *Municipalities Act (M-23)*

- S. 182(1) - The council may acquire or establish parks, stadiums and other recreational facilities within the town, and subject to the approval of the minister, outside the town.
- S. 182(2) - The council may make regulations for the use, protection and operation of recreational facilities acquired and the fixing of charges for admission to and the use of the facilities.

### *Provincial Parks Act (P-32)*

- S. 3 - permits Lieutenant-Governor in Council to acquire or set apart land for provincial parks
- S. 8 - Lieutenant-Governor in Council regulations
- S. 9 - offences and penalties (up to \$500)

### *Wilderness and Ecological Reserves Act (W-9)*

- S. 4 - permits minister to set aside, as wilderness reserves, areas of the province that are subject to no or little human activity
- S. 6 - establishes advisory committee
- S. 7 - prohibited activities (e.g. engage in the cutting or logging of trees, use of motorized vehicles, fish, hunt, land aircraft, etc.)
- S. 26 - offences and penalties
- S. 29 - Lieutenant-Governor in Council regulations

## **Land Use Planning**

### *Urban and Rural Planning Act (U-7)*

#### Part I - Administration

- provides for provincial planning board and appeals process to this board

#### Part II - Municipal Plans

- preparation and adoption of municipal plan; arrangements for public hearing; review or amendment of municipal plan

#### Part III - Joint Municipal Plans

- constitution of joint planning authorities

#### Part IV - Local Areas Plans

- preparation of local area plans

#### Part V - Regional Plans

- preparation, approval, review, revision of regional plans

#### Part VI - Protected Areas

- preparation of plans for protected areas

#### Part VII - Protected Roads

- regulations

#### Part VIII - Regulations

- includes dedication of land for public use; conflict of regulations

Part IX - Development Certificates

Part X - Reference of Applications to Minister

Part XI - Expropriation and Compensation

- application to the minister for expropriation; notice of expropriation and publication of notice; compensation to be paid; etc.

Part XII - Miscellaneous

- appeal; enforcement of planning; penalty; prosecution