Note: Act 4/2003 Repeal sections 2-11, 13-16 19-21 $6/1981 -

CHAPTER 209.

PUBLIC HEALTH.

3/1875
13/1892
6/1896
16/1934
1/1950
2/1957

(29*th September*, 1875.)

1. This Ordinance may be cited the Public Health Ordinance.

2. The Administrator may appoint :—

Appointment of officers.

Ord. 16/1934.
S 2 2(2), 16/1981

(1) a duly qualified medical practitioner to perform the duties of Medical Officer of Health, and

(2) a suitable person to perform the duties of Inspector of Nuisances,

at such salaries as the Legislative Council may approve.

3. (1) The owner of every dwelling house in the town of Plymouth shall provide the same with a convenient privy or dry earth closet, or other convenience properly enclosed and approved of by the Medical officer of Health, and if it shall be brought to the knowledge of the Medical Officer of Health that any such dwelling house is not so provided, the Medical Officer of Health shall give notice in writing to the owner or occupier of the said dwelling house requiring him to construct a suitable privy or provide such dry earth closet or other convenience within seven days after the receipt of such notice ; and if such notice shall not be complied with the person to whom it is given shall be liable to a penalty not exceeding one dollar and twenty cents for every day during which he shall fail to comply with such notice.

Dwelling houses to be provided with approved privies or other conveniences.

(2) All privies and other conveniences used instead of them shall be so constructed and kept as not to be a nuisance or injurious to health, and the Inspector of Nuisances may by written authority of the Medical Officer of Health enter such premises and examine such privy or convenience, and if upon inspection it appears to be in bad order or condition and to require alteration or repair, emptying or cleansing out, the Medical Officer of Health shall cause notice in writing to be

given to the owner or occupier of the premises requiring him, in the case of a privy, within seven days, and in the case of any other convenience, within twenty-four hours, after the receipt of such notice to alter, repair, empty or clean out the same, as the case may in the judgment of the Medical Officer of Health require, and if such notice shall not be complied with, the person to whom it is given shall be liable to a penalty not exceeding two dollars and forty cents for every day during which he shall fail to comply with such notice.

(3 The Medical Officer of Health may, if he thinks fit, cause the necessary work to be done, and the cost of having it done shall be recoverable in the summary manner hereinafter mentioned:

Provided aways that every such emptying and cleansing out as aforesaid shall be done between the hours of ten at night and five in the morning.

All premises in the Town of Plymouth to be cleansed daily.

4. The occupants of all premises in the town of Plymouth shall cause their several premises to be thoroughly cleansed daily (Sundays excepted) and the filth, dirt and rubbish (excepting night soil) to be removed from the said town or deposited at the side of the street immediately opposite the premises, in casks, boxes, baskets or other suitable receptacles, before eight o'clock a.m.; and every occupant of any premises in the said town failing on any day so to do (Sundays excepted) shall be liable to a penalty not exceeding four dollars and eighty cents.

Duties of Contractor.

5. The contractor for cleaning the said town shall be bound to remove all filth, dirt, trash and rubbish from the streets, lanes, alleys and other public thoroughfares every day, and sweep all such streets, lanes, alleys and other public thoroughfares of the said town every day (Sundays excepted) before the hour of eleven 'clock in the forenoon.

Police to visit daily every street and public place.

6. The police shall visit every street and public place in the said town immediately after eleven o'clock in the forenoon and immediately after five o'clock in the afternoon of every day; and if on any such visit any filth, dirt, trash or rubbish shall be found in any street or public place, the police shall forthwith (except on Sundays) notify the same to the contractor, who shall be bound to remove immediately such filth, dirt, trash or rubbish.

Cleaning of the town. Ord. 6/1896. Ord. 1/1950.

7. (1) The Board of Health is authorized to make arrangements by contract or otherwise for the removal as directed by sections 5 and 6, of all filth, dirt, trash and rubbish from the streets, lanes, alleys and other public thoroughfares, and for the sweeping of all such streets, lanes, alleys and other public thoroughfares of the said town every day (Sundays excepted) before the hour of eleven o'clock in the forenoon.

(2) If the contractor shall omit or neglect to remove any filth, dirt, trash or rubbish so found, within one hour after such notice shall have been given to him, it shall be the duty of the Inspector of Nuisances to have such filth, dirt, trash or rubbish removed, and the cost of such removal shall be regarded as a fine on the said contractor, and be recoverable in the summary manner hereinafter mentioned.

Police to lodge complaints before Magistrate in certain cases.

8. On any policeman finding filth, dirt, trash or rubbish of any kind cast or placed at any time on Sundays, or after eight o'clock in the morning of any other day, he shall lodge a complaint before the Magistrate against the occupier of the premises before which such filth, dirt, trash or rubbish has been found.

Occupiers of inhabited, and owners of uninhabited houses to keep premises attached thereto clean.

9. The occupier of any inhabited and the owner of any uninhabited house within the town of Plymouth shall at all times keep the ground, yard, enclosure and premises attached thereto free from filth, dirt, trash or rubbish, and the owner of any vacant lot of land within the said town shall keep such land clean and clear of growing bush, filth or decaying or offensive animal or vegetable matter, and in default thereof it shall be lawful for the Medical Officer of Health to give notice in writing to such occupier or owner, as the case may be, requiring him within three days after the receipt of such notice to clean and clear such ground, yard, enclosure, premises or vacant lot of land and if such notice shall not be complied with, such occupier or owner as aforesaid shall be liable to a penalty not exceeding two dollars and forty cents for every day during which he shall fail to comply with such notice.

Medical Officer of Health finding any house, or outbuilding in an unwholesome state, to act as directed by this section.

10. (1) If it shall appear to the Medical Officer of Health that any house or part of any house or any out-building is in so filthy or unwholesome a condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, purifying or draining of any house or any part thereof or of any out-building would tend to prevent or check infectious or noxious disease, the Medical Officer of Health shall give

notice in writing to the owner or occupier of such house or any part thereof or of any out-building to whitewash, cleanse, purify or drain the same within three days after the receipt of such notice.

(2) If such owner or occupier shall fail to comply with such notice, within the time specified therein, he shall be liable to a penalty not exceeding four dollars and eighty cents, and the Medical Officer of Health shall, if he thinks fit, cause such house or out-building or any part of either to be whitewashed, cleansed, purified or drained, and the expenses incurred by him in so doing shall be repaid by the owner or occupier, and in default of payment the said owner or occupier shall be liable to a penalty not exceeding nine dollars and sixty cents in addition to the amount of the expenses so incurred by the Medical Officer of Health.

Power of Medical Officer of Health and Inspector of Nuisances to visit houses and other premises.

11. The Medical Officer of Health, and the Inspector of Nuisances acting under the orders of the Medical Officer of Health, may with a view to ascertain their sanitary condition, from time to time, in the day time, and at all reasonable hours, with or without assistance, enter into, visit and inspect all houses, buildings, tenements, out-houses, and the ground, yards and enclosures and premises atached thereto.

Medical Officer of Health and Inspector of Nuisances to inspect all food and liquors offered for sale in shops and other places.

12. The Medical Officer of Health, as also the Inspector of Nuisances acting under his order in writing, shall be by this Ordinance empowered to enter at all reasonable times into and inspect any shop, stall, building or place kept or used for the sale of meat, poultry or fish, or of any other article of food, and to examine any animal, carcase, meat, poultry, fish, whether salted or dried, milk, cheese, rice, flour, potatoes, and all other vegetables, and any spirituous or fermented liquors which may be therein, and in case any of the matters so examined appear to him to be intended for sale as food for man, and to be unfit for such food, the same shall be seized, and if it appear to the Magistrate that the articles so intended for sale as human food are unfit for such food, he shall order the same to be destroyed, and the person to whom the condemned articles belong, or in whose custody the condemned articles are found, shall be liable to a penalty not exceeding twenty-four dollars.

Prohibition of keeping of swine in town of Plymouth. Ord. 13/1892.

13. It shall not be lawful to keep swine in the town of Plymouth, and any person who keeps any swine in the town of Plymouth shall be liable to a penalty not exceeding nine dollars and sixty cents, and to a further penalty not exceeding two

dollars and forty cents for every day beyond the first day during which the offence is continued :

Provided that this section shall not apply to swine lawfully detained in a public pound : And provided also that subject to any regulations or by-laws made in that behalf, it shall be lawful for swine brought into the said town for the purpose of being exported or of being slaughtered to be kept therein for a period not exceeding 48 hours and that where swine are lawfully imported into the Colony the importer or consignee shall be allowed 48 hours to effect the sale or removal of such swine.

Power to kill swine found straying.
Ord. 13/1892.

14. It shall be lawful for any police constable or any person authorized by or acting under the direction of the Medical Officer of Health or Inspector of Nuisances to kill any swine found straying in the streets or in any other place in the town of Plymouth and such swine so killed as aforesaid if not identified and removed by the owner within three hours shall be removed and disposed of in such manner as may be directed by the Medical Officer of Health.

Regulations for prevention of mosquitoes.
Ord 2/1957.
S.22, 16 of 1981

15. For the purpose of destroying or preventing the breeding of, mosquitoes the Board of Health may make regulations relating to any or all of the following matters :—

(*a*) the protection from mosquitoes of receptacles for storing water by wire gauze or other efficient means ;

(*b*) the keeping of premises free from stagnant water liable to breed mosquitoes, and from articles, appliances, trees or plants which may retain stagnant water liable to breed mosquitoes ;

(*c*) the spraying of premises with any insecticide approved by the Medical Officer of Health ;

(*d*) the disinfecting and oiling of cesspits and the cleaning out of catchpits ;

(*e*) the keeping in repair and free of obstruction of eaves, gutters and downpipes ;

(*f*) the cutting down of bush or undergrowth liable to harbour mosquitoes ;

(*g*) the entry upon any premises by force, if necessary, of persons authorised by the Board of Health in order to spray such premises, or to inspect such premises for any purpose connected with the destruction, or prevention of

breeding of, mosquitoes, or to enforce any of the regulations made under this section.

(2) The Board of Health may declare by resolution published in the *Gazette* that an adequate supply of potable water exists in any area or district and thereafter make regulations to prohibit the storing of water in barrels, tubs, tins or similar vessels in such area or district.

(3) It shall be lawful for the Board of Health to impose for any offence against any regulation made hereunder a penalty of imprisonment for a term not exceeding three months and a fine not exceeding ninety-six dollars, and in the case of a continuing offence a further fine not exceeding ten dollars for each day during which the offence continues.

(4) Regulations made by the Board of Health under this section shall not take effect until they have been confirmed by the Administrator in Council and published in the *Gazette*.

Occupier of premises preventing owner from acting as this Ordinance directs, to receive order from Magistrate.

16. If the occupier of any premises shall prevent the owner from obeying any of the provisions of this Ordinance the Magistrate shall by order in writing, upon the complaint of such owner, or of the Medical Officer of Health, require such occupier to permit the execution of the work required to be done, the same appearing to the said Magistrate to be necessary for compliance with this Ordinance, and if within seven days after the receipt of such order the occupier refuses or fails to comply with such order, he shall be liable to a penalty not exceeding twenty-four dollars for every day during which he continues to make refusal. In all cases where both the owner and occupier of premises are required by this Ordinance to execute any work of a permanent kind, if the occupier execute such work he shall be entitled to deduct from the rent the expenses incurred by him in so doing. In all cases when both the owner and occupier of premises are required by this Ordinance to execute any work of a temporary kind, if the owner shall execute such work he shall be entitled to treat the expenses incurred by him in so doing as rent and recover the same from the occupier in the same manner in which rent is recoverable by law.

Sanitary work, in case of destitution of person liable. Ord. 6/1896.

17. If any person liable to perform any sanitary work under this Ordinance shall be unable by reason of destitution to perform the same, the Board of Health may have such work executed at the public expense.

18. It shall be the duty of the police officers to aid and assist in carrying out the provisions of this Ordinance, and to report to the police sergeant any violation or non-observance of the said provisions.

Police, general duties of, under this Ordinance.

19. Whoever shall obstruct any officer or person employed in the execution of any duty imposed by this Ordinance shall be liable to a penalty not exceeding ninety-six dollars.

Penalty for obstruction.

20. The limits of the town of Plymouth for the purpose of this Ordinance shall be as follows:—

Limits of town of Plymouth. Ord. 13/1892.

(1) A line running north-east from the sea to Fort Barrington and thence along the public road until such road join the public road leading to Amersham Estate.

(2) A line from the termination of the line last mentioned to the eastern extremity of the premises on the upper part of George Street called the Cottage.

(3) A line from the termination of the line last mentioned to the turning from the high-road to Dagenham well and thence past the well to the sea.

21. All penalties, fines and forfeitures imposed by this Ordinance or which may be incurred under any of the provisions thereof or under any regulations made pursuant thereto and all and every sum and sums of money whatsoever which may be payable or recoverable thereunder in the nature of compensation or damage, costs, expenses or otherwise may be ascertained and awarded by the Magistrate and shall and may be enforced and recovered under the provisions of the Magistrate's Code of Procedure Act.

Penalties, fines, and expenses under this Ordinance, how to be enforced and recovered.

Cap. 46.