

Authority: Board of Health Item HL3.4, as adopted by City of Toronto Council on May 5, 6 and 7, 2015

CITY OF TORONTO

BY-LAW No. 485-2015

To adopt a new Municipal Code Chapter 520, Inspection Notices, Posting of.

Whereas the *City of Toronto Act, 2006* (the "Act") grants the City of Toronto the authority to pass by-laws in respect of the health, safety and well-being of persons; and

Whereas pools, spas and food premises have inherent health and safety risks that can have an adverse impact on the health, safety and well-being of persons; and

Whereas the Medical Officer of Health for the City of Toronto Health Unit has determined that health and safety risks associated with pools, spas and food premises can be reduced by requiring the posting of inspection notices;

The Council of the City of Toronto enacts:

1. The City of Toronto Municipal Code is amended by adding the following chapter as Chapter 520, Inspection Notices, Posting of:

ARTICLE I Interpretation

§ 520-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

DECK - The area immediately surrounding a pool or spa.

FOOD PREMISES - A premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence.

INSPECTION NOTICE - A notice issued by the Medical Officer of Health to an owner of a pool, a spa or a food premises as a result of any inspection of such pool, spa or food premises conducted pursuant to the *Health Protection and Promotion Act*, or the Regulations enacted under that Act, as amended.

MEDICAL OFFICER OF HEALTH - The Medical Officer of Health for the City of Toronto Health Unit or his or her delegate.

OWNER - The person or persons who operate or direct the activities carried on within a pool, spa or food premises and includes the person or persons actually in charge of the premises.

PERSON - Includes a corporation, partnership or any other business association, as well as an individual.

POOL - A Class A pool or a Class B pool as defined in Regulation 565 of the Revised Regulations of Ontario, 1990, as amended.

SPA - A public spa as defined in Regulation 428/05 of the Revised Regulations of Ontario, 1990, as amended.

ARTICLE II Pools and Spas

§ 520-2. Duty to post.

- A. Every owner of a pool or a spa shall keep posted, in a conspicuous place clearly visible to members of the public prior to their immediate entry to the pool or spa deck, the most recent inspection notice issued by the Medical Officer of Health.
- B. The inspection notice referred to in Subsection A shall be posted at every entrance to the immediate pool or spa deck area if there is more than one entrance to that area.

ARTICLE III Food Premises

§ 520-3. Duty to post.

Every owner of a food premises shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of such premises, the most recent inspection notice issued by the Medical Officer of Health.

§ 520-4. Exemptions from posting requirement.

The duty to post in § 520-3 applies to all food premises except:

- A. Food premises that are licensed or are required to be licensed under Chapter 545, Licensing; or
- B. Food premises to which subsection 2(1) of Regulation 562 of the Revised Regulations of Ontario, 1990, made under the authority of the *Health Protection and Promotion Act*, applies.

ARTICLE IV
Offences

§ 520-5. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.

Enacted and passed on May 7, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)