

1970

c 178 Fluoridation Act

Ontario

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CHAPTER 178

The Fluoridation Act

1. In this Act,

- (a) "Chief Election Officer" means the Chief Election Officer appointed under *The Election Act*;
- (b) "electors" means electors as defined in *The Municipal Act* and, in a municipality that has a resident voters' list under *The Municipal Franchise Extension Act*, includes the persons on such list;
- (c) "fluoridation system" means a system comprising equipment and materials for the addition of a chemical compound to release fluoride ions into a public water supply. 1960-61, c. 30, s. 1.

Interpretation

R.S.O. 1970, c. 142

R.S.O. 1970, cc. 284, 288

2.—(1) Where a local municipality or a local board thereof owns or operates a waterworks system, the council of the municipality may by by-law establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system.

Establishment of system

(2) The council may, before passing a by-law under subsection 1, submit the following question to the electors of the municipality:

Vote as to establishment of system

Are you in favour of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it. 1960-61, c. 30, s. 2.

3.—(1) Where a local municipality or a local board thereof has a fluoridation system in connection with its waterworks system, the council of the municipality may by by-law discontinue, or require the local board to discontinue, the fluoridation system.

Discontinuance of system

Vote as to
discon-
tinuance of
system

(2) The council may before passing a by-law under subsection 1 submit the following question to the electors of the municipality:

Are you in favour of the discontinuance of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it. 1960-61, c. 30, s. 3.

When
question
may be
submitted
Petition

4.—(1) The council may submit a question under this Act to the electors at any time.

(2) Upon the presentation of a petition requesting that a question under this Act be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following.

Idem

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality, and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is conclusive for all purposes. 1960-61, c. 30, s. 4.

Joint water-
works, esta-
blishment
of system

5.—(1) Where a waterworks system is operated by or for two or more local municipalities, the body operating the waterworks system shall establish, maintain and operate a fluoridation system in connection therewith,

(a) where there are two such municipalities, only after the councils of both such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities; or

(b) where there are more than two such municipalities, only after the councils of a majority of such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities.

Idem, dis-
continuance

(2) A fluoridation system established under subsection 1 shall be discontinued where the councils of both municipalities or of a majority of the municipalities, as the case may be, have passed by-laws requiring the discontinuance of the fluoridation system in their respective municipalities.

(3) Where petitions signed by at least 10 per cent of the electors in each such municipality, where there are two such municipalities, or in each of a majority of such municipalities, where there are more than two, are presented to the Chief Election Officer requesting that a question under this Act be submitted in both or all of such municipalities, as the case may be, each of the municipalities by or for which the waterworks system is operated shall submit the question to its electors on a date to be fixed by the Chief Election Officer, and the clerk of each such municipality shall certify the result of the vote in his municipality to the Chief Election Officer.

Vote on question upon petition

(4) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 2 is in the affirmative, each such municipality shall pass a by-law under subsection 1, or, if a majority of the votes cast in both or all of such municipalities, as the case may be, is in the negative, no by-law under subsection 1 shall be passed until the question has again been submitted to and has received the affirmative vote of a majority of the electors who vote on it.

Result of vote, establishment

(5) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 3 is in the affirmative, the council of each such municipality shall pass a by-law requiring the discontinuance of the fluoridation system in its municipality. 1960-61, c. 30, s. 5.

Idem, discontinuance

6.—(1) The council of any local municipality that obtains its water supply under an agreement with a company public utility may pass a by-law requiring the fluoridation of the water supply, and thereupon the company shall establish, maintain and operate a fluoridation system in connection with the water supply of the municipality on such terms and conditions as the council of the municipality and the company agree upon or, failing agreement, as are determined by arbitration under *The Arbitrations Act*.

Company public utilities

R.S.O. 1970, c. 25

(2) Any fluoridation system established under subsection 1 shall be discontinued where the council of the municipality has passed a by-law requiring its discontinuance, and the terms and conditions of the discontinuance may be agreed upon by the council of the municipality and the company or, failing agreement, may be determined by arbitration under *The Arbitrations Act*. 1960-61, c. 30, s. 6.

Idem, discontinuance

7.—(1) In this section, the expressions “area municipality” and “Metropolitan Corporation” have the same meanings as in *The Municipality of Metropolitan Toronto Act*.

Metropolitan Toronto
R.S.O. 1970, c. 295

(2) The council of the Metropolitan Corporation may by by-law establish, maintain and operate or discontinue a fluoridation system in connection with the Metropolitan waterworks system.

Establishment and discontinuance of system

Vote on
question

(3) The council of the Metropolitan Corporation may fix a day for the submission of a question under this Act to the electors, in which event the area municipalities shall submit the question to their respective electors accordingly, and the clerk of each area municipality shall forthwith certify the result of the vote in his area municipality to the clerk of the Metropolitan Corporation.

Idem, upon
petition

(4) Where petitions signed by at least 10 per cent of the electors in each of a majority of the area municipalities, certified by the clerks of the respective area municipalities, are presented to the Metropolitan Corporation requesting that a question under this Act be submitted under subsection 3, the council of the Metropolitan Corporation shall fix a day for the submission of the question under subsection 3.

Establish-
ment after
vote

(5) If a majority of the votes cast in all of the area municipalities on the question set out in section 2 is in the affirmative, the Metropolitan Corporation shall pass a by-law under subsection 2, or, if a majority of the votes cast in all of the area municipalities is in the negative, a by-law under subsection 2 shall not be passed until the question has again been submitted and has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance
after vote

(6) If a majority of the votes cast in all of the area municipalities on the question set out in section 3 is in the affirmative, the council of the Metropolitan Corporation shall pass a by-law discontinuing the fluoridation system in connection with the Metropolitan waterworks system. 1960-61, c. 30, s. 7.

Systems
existing
on March
29, 1961
R.S.O. 1960,
c. 321

8. Every fluoridation system that was being operated under the authority of *The Public Health Act* on the 29th day of March, 1961, shall be deemed to have been established and to be maintained and operated under the authority of this Act. 1960-61, c. 30, s. 8, *amended*.

Regulations

9.—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing and regulating the equipment and processes that may be used in fluoridation systems;
- (b) prescribing the nature and amount of the chemical compounds that may be used in fluoridation systems;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Idem

(2) Any such regulation may be general or particular in its application. 1960-61, c. 30, s. 9.