

CITY OF RICHMOND

**PUBLIC HEALTH PROTECTION
BYLAW NO. 6989**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

**SUBDIVISION ONE: FETAL ALCOHOL SYNDROME WARNING
SIGN REGULATION**

PART 1.1: GENERAL PROVISIONS

1.1.1 Operator Obligations

- 1.1.1.1 The **operator** of every **licenced establishment** must ensure that a fetal alcohol syndrome warning sign or signs are installed and maintained in accordance with the requirements of Part 1.2.

PART 1.2: WARNING SIGNS

1.2.1 Warning Sign Locations

- 1.2.1.1 In any **licenced establishment** where the sale of alcoholic beverages for off-premises consumption is permitted, the fetal alcohol syndrome warning signs required under the provisions of Part 1.1 must be **prominently** located where the sale or dispensing of such alcoholic beverages takes place.
- 1.2.1.2 In any **licenced establishment** where the consumption of alcoholic beverages on the premises is permitted, the fetal alcohol syndrome warning signs required under the provisions of Part 1.1, must be **prominently** located in each public washroom within such **licenced establishment**.

1.2.2 Warning Sign Dimensions and Wording

- 1.2.2.1 The fetal alcohol syndrome warning signs required under the provisions of Part 1.1 must:
- (a) have minimum dimensions of 21.5 centimetres (8 ½ in.) by 21.5 centimetres (8 ½ in.);
 - (b) have white lettering on a red background, with a minimum **letter height** of 1 centimetre (3/8 in.);
 - (c) bear the following words:

“WARNING
DRINKING DISTILLED SPIRITS, BEER, COOLERS, WINE AND
OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY
CAN CAUSE BIRTH DEFECTS”

and

- (d) be substantially in the form and style shown on Schedule A which is attached and forms a part of this bylaw.

SUBDIVISION TWO: MARINA HEALTH AND SAFETY REGULATION

PART 2.1: GENERAL PROVISIONS

- 2.1.1 The provisions of Subdivision Two apply to all **marinas** within the **City**.
- 2.1.2 The **Medical Health Officer** is hereby authorized to enter any **marina**, at reasonable times, for the purpose of inspection, to determine satisfactory compliance with the provisions of Subdivision Two.

PART 2.2: WATER SUPPLY

- 2.2.1 Every **marina operator** must ensure that:
- (a) an adequate supply of pressurized **potable water** is available:
 - (i) at a distance of not more than 150 metres (492.13 feet) walking distance from any **water craft** at the **marina**; and
 - (ii) 24 hours per day, every day, on which such **marina** is operated;
 - (b) a **potable water** connection is provided to every **liveboard vessel** and **float home**; and
 - (c) a **backflow preventor** is installed, as required by the current **Waterworks and Water Rates Bylaw** of the **City**, and the BC Plumbing Code, on each water supply connection to a dockside watering point or **water craft**.

PART 2.3: WASHROOM FACILITIES

- 2.3.1 Every **Marina Class I operator** providing moorage to **liveboard vessels** must provide:
- (a) separate washroom facilities for men and women; and
 - (b) for each sex, a minimum of one toilet, one lavatory and one shower per washroom for each 50 moorage spaces used for **liveboard vessels**.

PART 2.4: LIQUID WASTE DISPOSAL

2.4.1 Operator Obligations

- 2.4.1.1 Every **marina operator** must ensure that all **sewage** from a **marina** is discharged into a municipal sanitary sewer system, or where not available, into an **approved sewage** disposal system.
- 2.4.1.2 Every **marina class I operator** must:

- (a) provide every **float home** with a sewer connection;
- (b) ensure that every **liveaboard vessel** is either provided with a sewer connection, or if such connection is not made available, every **liveaboard vessel** must have an **approved** holding tank available; and
- (c) provide a central **pumpout facility** for **liveaboard vessels** utilizing holding tanks.

2.4.1.3 Where a caretaker's **float home** is permitted in a **marina class II**, such **float home** is exempted from the requirements of subsection 2.4.1.1, provided the **float home** has an **approved sewage** disposal system.

2.4.2 General Prohibitions

2.4.2.1 A person must not:

- (a) discharge sewage, **oil**, or other pollutants from any **water craft** moored at **marinas** into watercourses, and every **marina operator** must **prominently** display notices prohibiting such discharge; or
- (b) live in any moored **water craft** which does not discharge its **sewage** to a municipal sanitary sewer system or an **approved sewage** disposal system.

PART 2.5: SOLID WASTE COLLECTION AND DISPOSAL

2.5.1 Operator Obligations

2.5.1.1 Every **marina operator** must:

- (a) provide adequate covered containers for **garbage**, to be located where they may be readily available for use by **marina** employees and **water craft** users; and
- (b) regularly service and empty **garbage** containers to prevent overflowing, foul odours, and pest problems.

2.5.2 A person must not discharge **garbage** into watercourses from any **water craft** moored at **marinas** or from **marina** docks, and every **marina operator** must **prominently** display notices prohibiting such discharge.

PART 2.6: GENERAL SAFETY

2.6.1 Operator Requirements

2.6.1.1 Every **marina operator** must ensure that:

- (a) buildings, docks, floats, gangways, piers and ramps are kept in good repair and free of safety hazards;

- (b) all float walkways have a minimum width of 1.5 metres (4.92 feet) where they provide access to an upland area; or provide direct access to **water craft**;
- (c) all inclined walkways or ramps have non-skid surfaces and handrails;
- (d) all areas throughout the **marina** are illuminated by lights designed, constructed and maintained to provide a minimum average illumination of 20 lux, with critical areas such as gates, ramps and safety stations being provided with 50 lux of illumination;
- (e) life rings, assist poles or ladders from docks into the water are provided, and are conveniently located and readily accessible for use; and
- (f) there is at least one public telephone available at all times within the **marina** for emergency use.

SUBDIVISION THREE: NOISE REGULATION

PART 3.1: GENERAL NOISE LIMITS

3.1.1 Prohibitions

3.1.1.1 A person:

- (a) must not make, nor permit to be made, by any animal, or by any bird or fowl, or by any **vehicle**, conveyance, vessel, machinery, equipment or device, or by any activity; or
- (b) being the owner or occupier of real property, must not bring onto, or keep, or use on such real property, any **vehicle**, conveyance, machinery, equipment or device, or any animal, or any bird or fowl, which makes or causes to be made,

a **noise** which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

3.1.2 Objectionable or Disturbing Noises

3.1.2.1 **Council** hereby declares that the following **noises** are objectionable, or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public at a **point of reception**, notwithstanding that such **noises** may not constitute a violation of any other provision of Subdivision Three:

- (a) the **sound** made by a dog barking, howling or creating any kind of **sound** continually or sporadically or erratically for any period in excess of one-half hour of time;
- (b) the **sound** made by a combustion engine that is operated without using an effective exhaust muffling system in good working order whenever such engine is in operation;
- (c) the **sound** made by a **vehicle** or a **vehicle** with a trailer resulting in banging, clanking, squealing or other like **sounds** due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance;
- (d) the **sound** made by a **vehicle** horn or other warning device used except under circumstances required or authorized by law;
- (e) the **sound** made by **construction** activity:
 - (i) prior to 7:00 a.m. and after 8:00 p.m. on Monday to Saturday inclusive; or
 - (ii) prior to 9:00 a.m. and after 6:00 p.m. on Sundays and Statutory Holidays; and

- (f) the **sound** made by amplified music, whether pre-recorded or live, after 2:00 a.m. and before 8:00 a.m. on any day.

3.1.3 Security and Fire Alarms

- 3.1.3.1 A person must not cause, permit, or allow, a security or fire alarm:
 - (a) to sound continuously or sporadically for a period of more than 2 hours; or
 - (b) to continue to sound once the premises or **vehicle** is secure.
- 3.1.3.2 For the purposes of subsection 3.1.3.1, a person is deemed to have caused the **sound** even if the sounding of the alarm arose from malfunction of the said alarm.
- 3.1.3.3 In the event of a violation of subsection 3.1.3.1, an **inspector** may stop the alarm from sounding by:
 - (a) in the case of a house alarm, entering onto the property, including entering into any buildings on the property, and disabling the alarm by whatever means possible; and,
 - (b) in the case of a **vehicle** alarm, by having the alarm disconnected and towing the **vehicle**, at the owner's expense, to a secure storage yard.
- 3.1.3.4 Neither the **City**, any **City** employee, nor any persons authorized by the **City** to enforce Subdivision Three may be found liable for any action taken in good faith, pursuant to this section.

3.1.4 Separate Violations Under Parts 3.1 and 3.2

- 3.1.4.1 A person may be found to be in violation of Part 3.1, despite having satisfied the requirements of Part 3.2.

PART 3.2: MEASURABLE NOISE LIMITS

3.2.1 Non-Continuous Sound

- 3.2.1.1 A person must not make, cause, or permit to be made, a **non-continuous sound** exceeding **sound levels**:
 - (a) of 80 dBA or more during the **daytime**, or
 - (b) of 75 dBA or more during the **nighttime**,when received at a **point of reception** in the **City**.

3.2.2 Continuous Sound

- 3.2.2.1 A person must not make, cause, or permit to be made, a **continuous sound** exceeding **sound levels**:

- (a) of 65 dBA or more during the **daytime**, or
 - (b) of 60 dBA or more during the **nighttime**,
- when received at a **point of reception** outside a quiet zone.

3.2.2.2 A person must not make, cause or permit to be made a **continuous sound** exceeding **sound levels**:

- (a) of 55 dBA or more during the **daytime**, or
 - (b) of 45 dBA or more during the **nighttime**,
- when received at a **point of reception** within a quiet zone.

3.2.2.3 For the purposes of subsection 3.2.2.2, a quiet zone includes:

- (a) those parcels of land in which the permitted uses, as specified in the **Zoning and Development Bylaw**, are primarily residential;
- (b) those parcels of land located in:
 - (i) Assembly District (ASY);
 - (ii) Health Care Facilities District (HCF); and
 - (iii) Marina District 2 (MA2)

in the **Zoning and Development Bylaw**;

- (c)
 - (i) the northerly one-half of Minoru Park; and
 - (ii) the School and Public Use District (SPU) in which the Kiwanis Senior Citizens Housing Society at 6251 Minoru Boulevard is located; and
- (d) any area governed by an existing Land Use Contract whose primary land use is:
 - (i) residential; or
 - (ii) such as is permitted in Assembly District, Health Care Facilities District, or Marina District 2 in the **Zoning and Development Bylaw**.

3.2.3 Construction Noise

3.2.3.1 A person must not make, cause, or permit to be made, a sound level exceeding 80 dBA, resulting from **construction** or **construction equipment**:

- (a) during the **daytime** on weekdays and Saturdays; or
- (b) between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and Statutory Holidays, when received at a **point of reception** in the **City**.

3.2.4 Role of Inspector

- 3.2.4.1 Any **inspector** may measure **sound levels** with **sound level meters**, and may enter at all reasonable times upon any real property, to determine compliance with the provisions of Subdivision Three.

PART 3.3: NOISE EXEMPTIONS

3.3.1 Exemptions from Both General and Measurable Noise Limits

3.3.1.1 Exemptions for Emergencies

- 3.3.1.1.1 Notwithstanding the provisions of Parts 3.1 and 3.2, in an emergency a person may perform work, or cause or permit others to perform works, for the preservation or protection of property, life or health, but must not continue such works, nor cause such works to be continued after the emergency passes.

3.3.1.2 Exemptions authorized by the **City**

- 3.3.1.2.1 Notwithstanding the provisions of Parts 3.1 and 3.2, the **General Manager of Engineering and Public Works** may authorize work to be undertaken at any time if satisfied that:

- (a) the volume of traffic in the area of the proposed work is such as to cause danger to the workers on the job, or to cause serious traffic congestion;
- (b) the impact and inconvenience to residents in the area of the planned work can be minimized; or
- (c) the work cannot be undertaken efficiently or safely during the normal working day,

and in addition, may authorize such work to be undertaken at any time if interrupting service during working hours would cause any person undue hardship.

3.3.1.3 Exemptions for Aviation Activities

- 3.3.1.3.1 The provisions of Parts 3.1 and 3.2 do not apply to aviation activities carried on within the jurisdiction of, and in compliance with, enactments of, or authorized by, the Parliament of Canada or the Legislature of the Province of British Columbia.

3.3.1.4 Exemptions for certain classes of **vehicles**

- 3.3.1.4.1 The provisions of Parts 3.1 and 3.2 do not apply:

- (a) to any **emergency vehicle** being driven during the course of an emergency; or

- (b) to any **vehicle**, conveyance, machinery, equipment or device in use for agricultural purposes, except a device which uses **sound** as a method of bird or pest control, provided such use is between sunrise and sunset.

3.3.2 Exemptions from Measurable Noise Limits

3.3.2.1 Exemptions for other levels of Government

3.3.2.1.1 Notwithstanding the provisions of subsections 3.2.1.1, 3.2.2.1, and 3.2.2.2, the Government of Canada and the Government of British Columbia and any of their Crown Corporations, Authorities, Commissions, or Agencies, and a Municipality, the BC Hydro and Gas Company, and Telus, may during the **daytime**, except between 7:00 a.m. and 9:00 a.m. on a Sunday or Statutory Holiday, make, cause or permit to be made, a **continuous sound** or a **non-continuous sound** with a **sound level** not exceeding 87dBA when received at any of the following **points of reception**:

- (a) on a parcel of land, other than the parcel on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any property line of such first-mentioned parcel;
- (b) on a strata lot, other than the strata lot on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any property line of such first-mentioned strata lot;
- (c) on a highway, at any distance more than 16 metres (52.53 feet) from the source of such **sound**; or
- (d) on a parcel of land or strata lot through which passes a right-of-way or an easement on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any boundary line of such right-of-way or easement.

3.3.2.3 Exemptions for Power Equipment

3.3.2.3.1 Notwithstanding that the **sound** from the use of **power equipment**, when received at a **point of reception**, exceeds the **sound level** permitted at such **point of reception** pursuant to subsections 3.2.1.1, 3.2.1.2, and 3.2.2.2, a person may use or cause or permit to be used, such **power equipment** during the **daytime**, except between 7:00 a.m. and 9:00 a.m. on a Sunday, if the **sound** of such **power equipment** received at the **point of reception** does not exceed a **sound level** of 82 dBA.

SUBDIVISION FOUR: PESTICIDE APPLICATION – NOTIFICATION AND SIGNAGE REGULATION

PART 4.1: NOTIFICATION PROCEDURE

4.1.1 Pesticide Application on Public Land or Grounds of Multiple Family Dwellings

4.1.1.1 A person must not apply a **pesticide** to **public land** or the grounds of a **multiple family dwelling** without having first posted public notices on the site at intervals not exceeding 50 metres (164.1 feet) around the perimeter of the treated area, provided that if the **public land** has controlled or limited public access points, such notices must be posted at the access points.

4.1.1.2 The public notices required under the provisions of subsection 4.1.1.1 must:

- (a) be placed at least 72 hours prior to the intended date of the pesticide application, and must remain posted for not less than 72 hours after application; and
- (b) conform with the provisions of section 4.2.1.

4.1.2 Pesticide Application on a Public Facility or Common Public Area

4.1.2.1 A person must not apply a **pesticide** on a **public facility** or to a common public area without having posted public notices on the site at least 72 hours prior to the intended date of the pesticide application.

4.1.2.2 The public notices required under the provisions of subsection 4.1.2.1 must remain posted for not less than 72 hours after the **pesticide** application and must:

- (a) conform with the provisions of section 4.2.1; and
- (b) be **prominently** displayed.

4.1.2.3 At least one additional public notice must be posted in the **workplace** areas of the building where the pesticide is to be applied.

4.1.3 Pesticide Application to any Dwelling Unit Occupied as Residential Accommodation in a Multiple Family Dwelling

4.1.3.1 A person must not apply a **pesticide** to any dwelling unit occupied as residential accommodation in a **multiple family dwelling** unless the occupants of such dwelling unit or units have been notified in writing at least 72 hours prior to the intended date of the pesticide application.

4.1.4 Exemption

4.1.4.1 **Spot treatments** are exempt from the provisions of Subdivision Four.

PART 4.2: PUBLIC NOTICE REQUIREMENTS

4.2.1 The public notice referred to in subsection 4.1.1.1. must:

- (a) contain the following information;
 - (i) the word "ATTENTION" in red, with a **letter height** of at least 2.5 centimetres (1 inch), followed by the words "This area will be (has been) chemically treated on or after (date)" or words of equal effect;
 - (ii) the common trade name, active ingredients and concentration of the pesticide used;
 - (iii) the date and time of the pesticide application;
 - (iv) the name and telephone number of the person applying the pesticide, in a **letter height** of at least 1.5 centimetres (0.6 inches) in capitals in a colour which contrasts with the background;
 - (v) the words "AVOID CONTACT WITH TREATED AREAS";
 - (vi) the current phone number of the Poison Control Centre; and
- (b) be rectangular in shape;
- (c) be at least 28 centimetres (11 inches) by 43 centimetres (17 inches) in size; and
- (d) be made of durable, rain-resistant material.

4.2.2 The public notice referred to in subsection 4.1.2.1 must contain the following information:

- (a) a description of the area to be treated and the common name of the pest;
- (b) the common trade-name, active ingredients and concentrations of the pesticide;
- (c) the date and time of the proposed application;
- (d) the name and telephone number of the person who will apply the pesticide;
- (e) advice and precautions for the occupants; and
- (f) the current phone number of the Poison Control Centre.

PART 4.3: AUTHORITY OF THE MEDICAL HEALTH OFFICER

4.3.1 The **Medical Health Officer** is authorized to administer the provisions of Parts 4.1 and 4.2, and, for that purpose may:

- (a) issue a written notice requiring a person who has not complied with the requirements of Parts 4.1 and 4.2 to comply, by a specified date, with any deficiencies specified in such notice; and
- (b) enter at all reasonable times on any premises to determine compliance with the requirements of Parts 4.1 and 4.2.

SUBDIVISION FIVE: RODENT (COMMUNICABLE DISEASE) CONTROL REGULATION

PART 5.1: GENERAL PROVISIONS

5.1.1 Prohibitions

5.1.1.1 A person must not:

- (a) keep or store any waste products, construction material or debris, refuse or other material in such a manner as to provide shelter, refuge or food for **rodents**;
- (b) allow or permit the accumulation of waste food products, animal feed or any other foodstuffs on any property within the **City**, unless such waste food products, animal feed or any other foodstuffs are properly contained or properly disposed of so as not to provide a food source for **rodents**; or
- (c) keep or maintain any animals or birds in such a manner so as to provide shelter, refuge or food for **rodents**.

5.1.2 Obligations

5.1.2.1 Every person must:

- (a) construct, repair or alter any buildings, structures, plumbing, drainage pipes or any other item to ensure that **rodents** do not have access to the building or provide **rodent** harbourage; and
- (b) destroy or eliminate any food which is unfit for human consumption, by reason of contamination by **rodents**.

5.1.3 Authority of Medical Health Officer

5.1.3.1 The **Medical Health Officer** is authorized to enter onto any land or into any buildings for the purpose of determining the presence of **rodents** on such property, and may order any person to take steps which are necessary to control **rodents** on that property.

SUBDIVISION SIX: SMOKING CONTROL AND REGULATION

PART 6.1: AREAS OF SMOKING PROHIBITION

6.1.1 Operator Obligations

6.1.1.1 The **operator** of any of the following:

- (a) a **retail establishment**;
- (b) a **personal services establishment**;
- (c) a **bank or government office**
- (d) a **hospital or health clinic**;
- (e) a **food service establishment**;
- (f) premises in which there is:
 - (i) a **reception area**;
 - (ii) an **elevator, escalator, or inside stairway**; or
 - (iii) a **customer service line**; and
- (g) a **taxicab, or a school or public bus**,

must not permit a person to smoke while within any such establishment, premises, vehicle, or area, whichever is applicable.

6.1.1.2 The **operator** of a **place of public assembly**, excluding pool halls, must not permit any person to **smoke** in such facility.

6.1.1.3 The **operator** of a building, establishment or facility owned or leased by the **City**, excluding any City-owned single-family dwelling unit rented as a residence, must not permit any person to smoke in such building.

6.1.1.4 The **operator** of any premises where smoking is not permitted must post signs which comply with the requirements of Part 6.2.

PART 6.2: SIGN REQUIREMENTS

6.2.1 Where a provision of Subdivision Seven requires a sign to be posted in any premises indicating a **smoking** prohibition, the **operator** of such premises must ensure that such **smoking** prohibition sign or signs:

- (a) are **prominently** displayed and maintained at the appropriate location;
- (b) carry the text "No Smoking", in either capital or lower case letters or a combination of both;

- (c) consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering must contrast with the background colour;
- (d) have not less than the following **letter height**, based upon the following maximum viewing distances, in a direct line of sight:

<u>Viewing Distances</u>	<u>Letter Height</u>
3 metres (10 feet) or less	2.5 centimetres (1 inch)
6.1 metres (20 feet) or less	5.1 centimetres (2 inches)
12.2 metres (40 feet) or less	7.6 centimetres (3 inches)
24.4 metres (80 feet) or less	10.2 centimetres (4 inches)
48.8 metres (160 feet) or less	15.2 centimetres (6 inches)
73.1 metres (240 feet) or less	20.32 centimetres (8 inches).

- (e) include in the text at the bottom of each sign "City of Richmond Public Health Protection Bylaw Maximum Penalty \$500" in letters not less than 1.3 centimetres (1/2 inch) in height for signs with **letter height** of 2.5 centimetres (1 inch), and not less than one-quarter of the height of the letters on all other sizes of letter.

6.2.2 A sign with the text "City of Richmond Bylaw No. 4514 Maximum Penalty \$500", which was displayed prior to the date of adoption of this bylaw, is deemed to meet the requirements of clause (d) of section 6.2.1.

6.2.3 Notwithstanding the provisions of section 6.2.1, the international symbol for "no smoking" may be used to indicate "no smoking areas":

6.2.4 Each international symbol referred to in section 6.2.3 must:

- (a) include the text "City of Richmond Public Health Protection Bylaw Maximum Penalty \$500" in a **letter height** which is at least 5% of the diameter of the circle in the symbol, and appropriate symbols such as directional arrows may be added; and
- (b) have a circle diameter of not less than the following dimensions, based upon the following maximum viewing distances, in a direct line of sight:

<u>Viewing Distances</u>	<u>Circle Diameter of Symbol</u>
3 metres (10 feet) or less	10.2 centimetres (4 inches)
6.1 metres (20 feet) or less	15.2 centimetres (6 inches)
12.2 metres (40 feet) or less	20.32 centimetres (8 inches)
24.4 metres (80 feet) or less	20.32 centimetres (8 inches)
48.8 metres (160 feet) or less	40.6 centimetres (16 inches)
73.1 metres (240 feet) or less	61 centimetres (24 inches).

6.2.5 A sign with the text "City of Richmond Bylaw No. 4514 Maximum Penalty \$500", which was displayed prior to the date of adoption of this bylaw, is deemed to meet the requirements of clause (a) of section 6.2.4.

- 6.2.6** Notwithstanding that the international symbol in section 6.2.3 indicating “no-smoking areas” is a cigarette, such symbol represents a lighted cigar, cigarette, pipe or other lighted **smoking** equipment.

PART 6.3 EXCLUSIONS

- 6.3.1** The provisions of Part 6.1 and 6.2 do not apply to a **private social function** unless held in premises which are governed by Part 6.1.

SUBDIVISION SEVEN: VIOLATIONS AND PENALTIES

PART 7.1 VIOLATIONS AND PENALTIES - ALL SUBDIVISIONS EXCEPT SIX (SMOKING CONTROL AND REGULATION)

7.1.1 Except as specified otherwise in Part 7.2, any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this, or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw;

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART 7.2 VIOLATIONS AND PENALTIES - SUBDIVISION SIX

7.2.1 Any person who:

- (a) violates or who causes or allows any of the provisions of Subdivision Six to be violated; or
- (b) fails to comply with any of the provisions of Subdivision Six; or
- (c) neglects or refrains from doing anything required under the provisions of Subdivision Six;

is deemed to have committed an infraction of, or an offence against, Subdivision Six and is liable on summary conviction, to a fine not to exceed \$500, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

SUBDIVISION EIGHT: INTERPRETATION

PART 8.1 In this bylaw, unless the context otherwise requires:

APPROVED	means approved in writing by the Medical Health Officer .
BACKFLOW PREVENTER	means an device or method to prevent a back flow of contaminants into a potable water supply system.
BANK	includes credit union, trust company, savings or loan company or other financial institution.
CARRIES ON BUSINESS	means carries on a commercial or industrial undertaking of any kind or nature or provides a professional, personal or other service and includes the carrying on of an activity in a government office .
CITY	means the City of Richmond
COMMERCIAL ENTERTAINMENT ESTABLISHMENT	means an establishment in which, in return for consideration, the public is entertained, amused, or otherwise diverted, and includes amusement park, botanical garden, bowling alley, cabaret, carnival, circus, dance academy or hall, discotheque, exhibit, golf course or driving range, menagerie, movie theatre, nightclub, recreation centre, recreation facility, recreation park, and tennis court, but specifically excludes casino.
CONSTRUCTION	includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alterations and the structural installation of construction components and materials in any form or for any purpose, and includes any work being undertaken in connection with construction.
CONSTRUCTION EQUIPMENT	means any equipment or device designed and intended for use in construction , or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and roller, pumps, concrete mixers, graders, or other material-handling equipment.
CONTINUOUS SOUND	means any sound occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically, but totalling more than three minutes in any fifteen minute period.

CUSTOMER SERVICE LINE	means an indoor queue of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to, sales, provision of information, transactions or advice and transfers of money or goods.
COUNCIL	means the Council of the City of Richmond.
DAYTIME	means from 7:00 a.m. to 8:00 p.m. in the same day.
DECIBEL	means the ratio between levels of sound pressure expressed at 20 times the logarithm to the base 10 of the said ratio, and are to be recorded on the “A” scale, and with an approved noise meter on the slow response setting.
DISCHARGE	includes, but not so as to limit its meaning, any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping.
EMERGENCY VEHICLE	means the interpretation given in the <i>Motor Vehicle Act</i> .
FOOD SERVICE ESTABLISHMENT	means any food premises as defined in the British Columbia Regulations Governing the Sanitation and Operation of Food Premises.
FLOAT HOME	means a structure incorporating a flotation system, intended for use or being used or occupied for residential purposes containing one dwelling unit only and not primarily intended for, or usable in, navigation, but excludes a water craft designed or intended for navigation.
GARBAGE	means any and all accumulations of general rubbish or discarded materials resulting from the activities conducted on a particular property.
GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering & Public Works, and includes a person designated as an alternate.
GOVERNMENT OFFICE	means any office of the Government of the Province of British Columbia, a crown corporation, the Greater Vancouver Regional District, or the City .
INSPECTOR	includes the Medical Health Officer , the Chief Public Health Inspector, a Bylaw Enforcement Officer employed by the City , a Peace Officer, and any employee acting under the supervision of any of them.
LETTER HEIGHT	means the actual height of the letter, regardless of whether it is a capital or lower case letter.

LICENCED ESTABLISHMENT	means any establishment licenced under the provisions of the Liquor Control & Licencing Act.
LIVEBOARD VESSEL	means any water craft intended primarily for use in navigation, and only incidentally used for residential purposes, and includes houseboats, sailboats, tugboats, powerboats or fish boats.
MARINA	means any installation operated under public or private ownership which provides moorage space for water craft , either free of charge or by payment of fee, and includes marina class I and marina class II .
MARINA CLASS I	means any installation operated under public or private ownership which provides moorage space for water craft either free of charge or by payment of fee, and such water craft may be used as living quarters.
MARINA CLASS II	means any installation operated under public or private ownership which provides moorage for water craft either free of charge or by payment of fee, and such water craft may not be used as living quarters at the marina .
MARINE TOILET	means any toilet on, or within, a water craft used to discharge sewage .
MEDICAL HEALTH OFFICER	means the Medical Health Officer appointed under the Health Act, or his designate, to act within the limits of the jurisdiction of any local board, or within any health district.
MULTIPLE FAMILY DWELLING	means any building with three or more dwelling units, but does not include any area in a building which is not normally readily accessible to the general public or to the residential occupants of the building.
NIGHTTIME	means from 8:00 p.m. to 7:00 a.m. of the following day.
NON-CONTINUOUS SOUND	means any sound other than a continuous sound .
NOISE	includes any sound , continuous sound or non-continuous sound which: (a) disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound ; or, (b) exceeds a sound level permitted by this bylaw at the point of reception of such sound ; or,

- (c) is deemed an objectionable or disturbing noise in section 3.1.2.

OIL

means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes, but does not include dredged spoil;

OPERATOR

means any person who, as a proprietor, lessee, manager, employee, or otherwise, carries on the operating of a facility or business on behalf of a licensee, if applicable, and includes any person managing or supervising such facility or business.

PERSONAL SERVICES ESTABLISHMENT

means an establishment in which a person provides a service to or on the body of another person, and includes but not limited to a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath.

PESTICIDE

means any substance or mixture of substances intended for killing, controlling or managing insects, fungi, weeds and other forms of life that are considered to be pests, but does not include rodenticides, avicides or those substances listed as exempted pesticides in the regulations of the *Pesticide Control Act (BC)*.

PLACES OF PUBLIC ASSEMBLY

means a building or portion of such building used for gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement, including a shopping mall, but does not include:

- (a) a place where a **private social function** is being held; or
- (b) a **food service establishment**.

POINT OF RECEPTION

unless otherwise defined means:

- (a) any place or parcel where the originating **sound** is received, other than the place or parcel where the **sound** originated, provided that after 2:00 a.m. and before 8:00 a.m. on any day, point of reception is any point beyond the property line, of the source of the **noise**, on any parcel used as a site for a **Commercial Entertainment Establishment** as if it was in a Quiet Zone; or
- (b) any place on a strata lot designated, shown or described on a strata plan, other than the strata lot or other or parcel from which the **sound** originated.

POTABLE WATER	means water which has been approved for drinking purposes by the Medical Health Officer .
POWER EQUIPMENT	means any equipment or machinery used in lawn and garden care or in building and property maintenance, and includes but is not limited to leaf blowers, edge trimmers, line trimmers, rototillers, lawnmowers, pressure washers, carpet cleaning equipment, and hand-operated power tools.
PRIVATE SOCIAL EVENT	means a special social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education.
PROMINENTLY	means of such a size and placed in such a position that the text of the sign or the graphic symbol, or the notice, whichever is applicable, is clearly visible to all persons in the vicinity.
PUBLIC FACILITY	means a building or facility which is operated, wholly or in part, by or for the City and into which the public is invited.
PUBLIC LAND	means land, whether covered by water or not, which is owned or controlled by the City , the Greater Vancouver Regional District, the Greater Vancouver Sewerage and Drainage District, the Richmond School Board, the Vancouver/Richmond Health Board, a college or college council, a hospital or a crown corporation and which is generally accessible to the public.
PUMPOUT FACILITY	means an approved device or method for removing sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet on a water craft .
RECEPTION AREA	means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment.
RETAIL ESTABLISHMENT	means a building or part of a building, booth, stall or place where goods or services are exposed or offered for sale by retail.
RODENT	means any of a large group of small gnawing animals, including rats and mice, that may create a potential or real public health problem or nuisance.
SEWAGE	means human excretions or the water-carried wastes from drinking, culinary purposes, ablutions, laundering, food processing, or ice producing.

SHOPPING MALL	means an area of a building or structure to which the public have access as of right or by invitation, expressed or implied, that is used in common by two or more retail stores for the purpose of providing access to customers and to which area the retail stores are physically closed when not in operation.
SMOKE OR SMOKING	includes the carrying of a lighted cigar, cigarette, pipe or other lighted smoking equipment.
SOUND	is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. - elastic, viscous), or the superposition of such propagated oscillations, which oscillations are capable of causing an auditory sensation.
SOUND LEVEL	means the sound-pressure level in decibels, measured using the "A" weighting network and slow response setting of an approved sound meter.
SOUND LEVEL METER	is a device calibrated for the measurement of sound , and, includes those devices listed in ANSI type II or IEC 123.
SPOT TREATMENT	means pesticide application to a localized or restricted area.
VEHICLE	means the interpretation given in the <i>Motor Vehicle Act</i> .
WATER CRAFT	means any boat, hull, barge or float home which is afloat, whether self-propelled or not, and includes both pleasure and commercial crafts.
WORKPLACE	includes the whole or any part of a building, structure or passenger conveyance in which a person carries on business , but does not include a private residence.
ZONING & DEVELOPMENT BYLAW	means the current Zoning and Development Bylaw of the City .

PART 8.2 Where:

- (a) any word or term or name or abbreviated work or abbreviated term or abbreviated name used in Subdivision Three is not defined in Subdivision Eight; or
- (b) any technical standard or abbreviated technical standard that is used in Subdivision Three is not set out in this bylaw,

such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated technical standard is to be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (CSA), or by the American National Standards Institute (ANSI), or by the International Organization for Standardization (ISO), or by the International Electro-Technical Commission (IEC), or by the Society of Automotive Engineers (SAE), or by the Machinery and Equipment Manufacturers Association of Canada (MEMAC), as the context of this bylaw and the case may require.

SUBDIVISION NINE: PREVIOUS BYLAW REPEAL

- 9.1** Fetal Alcohol Syndrome Warning Sign Bylaw No. 5673 (adopted July 22nd, 1991), is hereby repealed.
- 9.2** City of Richmond Food Handler Bylaw No. 5692 (adopted June 24th, 1991), is hereby repealed.
- 9.3** Marina Health & Safety Regulation Bylaw No. 5138 (adopted July 11th, 1988), is hereby repealed.
- 9.4** Noise Control Bylaw No. 5401 (adopted November 14th, 1989) and the following amendment bylaws are hereby repealed:

<u>BYLAW NO.</u>	<u>ADOPTED ON</u>
6714	March 10 th , 1997
6836	February 9 th , 1998
6928	June 22 nd , 1998

- 9.5** The Corporation of the Township of Richmond Notification and Signage of Pesticide Applications Bylaw No. 5469 (adopted on January 22, 1990), is hereby repealed.
- 9.6** Rodent (Communicable Disease) Control Bylaw No. 4172 (adopted on March 28, 1983), is hereby repealed.
- 9.7** Smoking Control Bylaw No. 4514 (adopted on April 14, 1986), and the following amendment bylaws, are hereby repealed:

<u>BYLAW NO.</u>	<u>ADOPTED ON</u>
5241	November 14, 1988
6637	August 26, 1996
6907	June 22, 1998

- 9.8** Smoking in the Workplace Bylaw No. 4762 (adopted on March 23, 1987) is hereby repealed.
- 9.9** Eating and Drinking Establishment Regulation Bylaw No. 1608 (adopted on December 1, 1958), is hereby repealed.
- 9.10** Noxious Insect Control Bylaw No. 1961 (adopted on April 29, 1963), is hereby repealed.
- 9.11** Poison Gas Fumigation Regulation Bylaw No. 1792 (adopted on October 17, 1960), is hereby repealed.

SUBDIVISION TEN: SEVERABILITY AND BYLAW CITATION

10.1 The provisions of this bylaw are severable, and if, for any reason, any subdivision, part, section, subsection, clause, or sub-clause, or other words in this bylaw are for any reason, found to be invalid or unenforceable by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

10.2 This bylaw is cited as "**Public Health Protection Bylaw No. 6989**".

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE MINISTER OF HEALTH

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

**SCHEDULE A to
BYLAW NO. 6989**

WARNING:

**Drinking Distilled Spirits,
Beer, Coolers, Wine and
Other Alcoholic
Beverages During
Pregnancy can Cause
Birth Defects.**

City of Richmond Public Health Protection Bylaw