



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Community Services Committee

DATE: May 3, 2000

FROM: J. Richard McKenna
City Clerk

FILE: 8060-20-6989

RE: Amendment to Public Health Protection Bylaw No. 6989

STAFF RECOMMENDATION

That each of the following bylaws be introduced and given first, second and third readings:

- (1) Public Health Protection Bylaw No. 6989, Amendment Bylaw No. 7133; and
- (2) Municipal Ticket Information Authorization Bylaw No. 7027, Amendment Bylaw No. 7134.

J. Richard McKenna
City Clerk

Att. 3

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law.....	Y <input type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

Attached is a memorandum report from the Chief Public Health Inspector giving the background to the bylaw amendments which were directed by Committee. The bylaws themselves have been prepared in consultation with City staff and if acceptable, can be forwarded to Council for first, second and third readings. The Municipal Ticket Information Authorization Amendment bylaw will however require the approval of the Chief Justice after third reading, which will take a number of weeks to obtain.

JRM:fja

Memorandum



Richmond
Health Services

Part of the Vancouver/Richmond Health Board

DATE: May 3, 2000

TO: COMMUNITY SERVICES COMMITTEE

FROM: Kelvin Higo
Chief Public Health Inspector

SUBJECT: NO SMOKING BYLAW AMENDMENT

BACKGROUND:

On January 1, 2000 the Workers Compensation Board regulations required that public entertainment facilities such as restaurants, bars and games rooms, long term care residential facilities and prisons be smoke free except in a designated smoking room. On March, the B.C. Supreme Court struck down Section 4.83 of the Occupational Health & Safety Regulation which referenced the exemption clause for public entertainment facilities etc. As a result, Environmental Health staff attended the April 11, 2000 Community Services meeting to request direction from Committee with respect to the City No Smoking Bylaw.

At that meeting, Committee resolved:

“That staff report to the next meeting of the Community Services Committee on the feasibility of:

- (a) adopting new no smoking regulations, similar to those adopted by the City of Vancouver;
- (b) permitting smoking rooms or totally separate outdoor smoking areas, as part of the new regulations.

Staff were also directed to liaise with the City Solicitor to determine if the City should be initiating a public process, if the City chose to pursue the option of permitting smoking rooms or outdoor smoking areas in the bylaw.”

On April 26, 2000 the Community Services Committee received correspondence from David Levi, Chairman, Vancouver/Richmond Health Board stating that "the Health Board send a letter to the cities of Vancouver and Richmond expressing support for their respective municipal bylaws pertaining to protecting the public from second hand smoke in public places and encouraging continued enforcement of the municipal bylaws." Mr. Levi further stated "it would be nice to see Richmond extend this ban to bars, pubs and pool halls in line the WCB regulations and many other Lower Mainland municipalities."

A letter from Dr. Anne Vogel, Medical Health Officer, was also received which supported the extension of no smoking requirements to pubs, bars and pool halls. Dr. Vogel's letter also supported designated smoking rooms if certain standards were met and further requested that "private social functions" be clarified in the bylaw.

As a result of the discussion at Committee, it was directed that:

"staff prepare an amendment to the City's Public Health Protection bylaw to prohibit smoking:

- (a) in all pubs, bars, and pool halls unless a smoking room is provided in these facilities only, which is not larger than 10% of the floor area of that portion of the building used by the public, and
- (b) private social functions."

STAFF COMMENT:

The draft Amendment Bylaw 7133 has been written to reflect the direction given by Committee. Section 6.1.1.2 prohibits smoking in billiard/pool halls or casinos except in a smoking room. Committee members should be aware that staff have added casinos to those premises that can provide a designated smoking room. The local casino operator was contacted and they requested that they be included in those facilities which could provide a smoking room as their competitors in surrounding municipalities already have this option and they would like to be on a level playing field. Staff has allowed for this provision in the draft bylaw pending further direction from Committee.

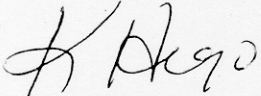
Section 6.1.1.2 (b) further prohibits smoking in any premise licensed under the Liquor Control and Licensing Branch. Class "A" Licenses have been amended to exclude food service establishments as well as Class "B" Licenses which govern dining rooms to reflect Committee's direction to disallow restaurants from having designated smoking rooms.

"Private social events" has also been deleted from the bylaw . Previously these types of events were exempted from meeting the bylaw provisions. It was felt that the public that attended these types of events should be afforded the same protection especially if children and youth

are in attendance. Most private halls already have in place their own no smoking policies and as such this amendment should not be onerous.

The Municipal Ticket Information Authorization Bylaw will also be amended to coincide with the section changes as well as the additional ticketable offence of an operator failing to comply with the smoking room requirements.

With these bylaw amendments, the City of Richmond bylaw would basically mirror the Vancouver No Smoking Bylaw with the exception that designated smoking rooms would not be permitted in restaurants and bingo halls.



Kelvin Higo,
Chief Public Health Inspector

KH:jc

CITY OF RICHMOND

**PUBLIC HEALTH PROTECTION BYLAW 6989,
AMENDMENT BYLAW 7133**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 6989 is amended by deleting Subdivision Six and by substituting the following:

**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) a **taxicab**, or a **school or public bus**,
- (g) any part of a building that is generally:
 - (i) open to, and accessible by, the public; or
 - (ii) available for common use by the occupants of such building,

including, but not limited to, hallways, foyers, inside stairways, elevators, escalators, laundry rooms, washrooms, cloakrooms and amenity areas; and

- (h) a **place of public assembly**,

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

6.1.1.2 The **operator** of:

- (a) a billiard/pool hall or casino; or
- (b) any of the following premises licenced under the *Liquor Control & Licencing Act*

Licence Class	Type of Establishment
A	Hotels, resorts, clubs, recreational centres, aircraft, trains, motor vessels, airports, municipally and provincially owned cultural centres, universities, and military messes, but excluding food service establishments .
C	Cabarets primarily engaged in providing entertainment.
D	Neighbourhood Public Houses.
E	Sports stadia, convention centres and concert halls.
F	Establishments oriented to marine activities, known as Marine Public Houses.
G	Licencee retail stores, i.e. beer and wine stores at full service hotels, neighbourhood pubs, marine pubs or restoration pubs.
H	Licencee retail stores in non-conforming hotels.
I	Restoration Public Houses.
J	Winery lounges part of, or adjacent to, the primary manufacturing facilities of wineries.

must not permit a person to **smoke** while within such premises, other than in a designated smoking room which complies with the requirements of Part 6.3.

6.1.1.3 The **operator** of a building, establishment or facility owned or leased by the **City**, excluding any rented City-owned one-family dwelling, 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 an **operator** is required to post a sign in any premises indicating a **smoking** prohibition, in accordance with subsection 6.1.1.4, such **operator** 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:

Viewing Distances

Letter Height

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: SMOKING ROOM REQUIREMENTS

6.3.1 Where **smoking** is permitted in a smoking room under the provisions of this Subdivision, the **operator** of the premises in which such smoking room is located, must ensure that such smoking room is:

- (a) not larger than 10% of the floor area of the portion of the building, structure, place or area which is generally open to, and actively used, by the public, but excluding hallways, foyers, inside stairways, elevators, escalators, laundry rooms, washrooms, cloakrooms and amenity areas;
- (b) physically separated from the remainder of the premises and contained within four walls, a ceiling and a tight fitting door;
- (c) separately heated, cooled and ventilated from the remainder of the premises; and
- (d) exhausted to the outside, so as to provide a negative pressure within the smoking room.

2. Subdivision 8 (Interpretation) of Bylaw No. 6989 is amended:

- (a) by deleting the definition of “places of public assembly” and by substituting the following:

**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, and a bingo hall, but does not include a private residential dwelling.

- (b) by deleting the definition of “private social event”.

- 3. This Bylaw is cited as **“Public Health Protection Bylaw No. 6989, Amendment Bylaw 7133”**.

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

CITY OF RICHMOND

**MUNICIPAL TICKET INFORMATION AUTHORIZATION BYLAW 7027,
AMENDMENT BYLAW 7134**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7027 is amended by deleting Subdivision Six (Smoking Control and Regulation) of Schedule B.7, and by substituting the following:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Subdivision Six – Smoking Control & Regulation		
Operator permitting smoking	6.1.1.1 (a) to (h)	\$100
Operator permitting smoking	6.1.1.2 (a) and (b)	\$100
Operator of city facility permitting smoking	6.1.1.3	\$100
Failure of operator to post smoking prohibition signage	6.1.1.4	\$100
Deficient smoking prohibition signage	6.2.1	\$100
Failure of operator to comply with smoking room requirements	6.3.1	\$100

2. This bylaw is cited as **“Municipal Ticket Information Authorization Bylaw 7027, Amendment Bylaw 7134”**.

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE CHIEF JUSTICE OF THE
PROVINCE OF BRITISH COLUMBIA

ADOPTED

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

MAYOR

CITY CLERK