



City of Richmond

Report to Committee

To Community Safety - April 15, 2008

To: Community Safety Committee
From: Phyllis L. Carlyle
General Manager, Law & Community Safety
Re: **Enhanced Smoke-Free Areas in Richmond**

Date: March 28, 2008
File: 12-8060-20-8360
12-8060-20-8361

Staff Recommendation

1. THAT Council endorse the increased regulation of smoking in Richmond;
2. THAT Public Health Protection Bylaw No. 6989, Amendment Bylaw No. 8360 (Attachment 1) be introduced and given first, second and third reading;
3. THAT Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8361 (Attachment 2) be introduced and given first, second and third reading; and
4. THAT the Public Health Protection Bylaw No. 6989, as amended, be deposited with the Minister of Health.

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604.276.4104)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Communications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Customer Service.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Facility Management.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Arenas & Aquatics.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Community Recreation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

The following referral was provided from the Planning Committee meeting held on July 10, 2007:

That the "Tobacco Control Act Draft Regulations" report (dated June 28, 2007) be referred back to staff to: analyze possible impacts of the proposed regulations of the Province's Tobacco Control Act on businesses in Richmond, and compare this to the impact on other municipalities in the Lower Mainland Region; and conduct public consultation on the proposed regulations of the Province's Tobacco Control Act.

On September 1, 2007, the relative sections of the *Tobacco Control Act* came into effect to prohibit smoking on any property owned, leased or operated under the authority of the Richmond School Board.

On November 27, 2007, it was announced by the Province that the *Tobacco Control Regulation*, which was the subject of considerable debate, public consultation and input in the summer of 2007 and augments the *Tobacco Control Act*, had been enacted by an Order-in-Council with an effective date of March 31, 2008.

Analysis

The major impacts of the Province's *Tobacco Control Regulation* are:

- no smoking within 3 metres of any public or workplace doorway, open window or air intake;
- no smoking in any indoor public places and workplaces;
- no tobacco sales in public buildings including hospitals and health facilities, universities and colleges, athletic and recreational facilities and provincial government buildings;
- no displays of tobacco products in all places where tobacco is sold that are accessible to youth under 19 years of age; and
- no tobacco ads that hang from the ceiling, no countertop tobacco displays, no self-serve tobacco displays and no outdoor tobacco signs;

It should be stated that these are the minimum standards set by the Province but individual municipalities are permitted to set stricter standards to meet the needs of their community and many municipalities have already done so, including:

Vancouver

No smoking permitted:

- in any buildings open to the public;
- within 6 metres of any doorway, open window or air intake on a building open to the public;
- in patios or customer service areas where food or alcoholic beverages are served;

- in taxis, buses, charter buses or rapid transit

White Rock

Planned implementation of smoking prohibition:

- in 2007, to include within 7 metres of building entrances; on playgrounds and sports fields;
- in 2008, to include outside events, bus stops; and
- in 2009, to include patios, sidewalks, parks (including beaches)

The B.C. Lung Association and the Heart & Stroke Foundation of B.C., primary members of the Clean Air Coalition of B.C., continue to advocate for a smoke-free British Columbia. VANOC and the venue municipalities continue to collaborate to provide a consistent set of regulations and rules as visitors make their way from one municipality to another during the Olympic Winter Games in 2010.

The City of Richmond has always shown a leadership role in enhancing public health and was recognized in 2007, by Canadian Living magazine, as “Canada’s healthiest city”. Recent surveys including those conducted for the Canadian Cancer Society, Canadian Council for Tobacco Control and Pfizer Consumer Healthcare show 94% of B.C. residents favour enhanced smoke-free areas. Richmond leads the province with the lowest level of residents smoking at only 12%.

The highlights of the amendments proposed by staff include the following:

Details of Initiative	Actual Provincial	Actual Vancouver	Proposed Richmond
Buffer Zones – Doors, Windows, Air Intakes	3 m	6 m	6 m
Smoking – Public Buildings & Workplaces	Not Permitted	Not Permitted	Not Permitted
Smoking – Transit Shelters	Not Permitted	Not Permitted	Not Permitted
Smoking – Taxicabs	Permitted	Not Permitted	Not Permitted
Smoking – Outdoor patios serving food or alcohol	Restricted	Not permitted	Not Permitted
Smoking – With minors in vehicle	Permitted	Permitted	Not Permitted

Verbal and in person consultation with a number of hospitality businesses shows that, if they do have a patio, they are just entering their busiest time of year and the proposed effective date of the changes is November 30, 2008 which will allow for the existing operations to continue through the summer. This will permit the businesses to plan for implementation of the enhanced smoke-free areas once the patio season has passed. This period of time will also allow various Departments within the City to work with the impacted businesses to ensure a smooth transition.

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Financial Impact

A budget of \$2,500 is required for the cost of advertising these enhancements in local media and producing the necessary stickers for City building entrances.

Conclusion

Staff recommends that Council maintain Richmond's leadership role in the promotion of public health for its citizens and visitors by adopting the attached bylaw amendments to take effect on November 30, 2008.



PP Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm



**Public Health Protection Bylaw No. 6989,
Amendment Bylaw No. 8360**

The Council of the City of Richmond enacts as follows:

1. The **Public Health Protection Bylaw No. 6989** as amended, is further amended by deleting SUBDIVISION SIX and substituting the following:

SUBDIVISION SIX: SMOKING CONTROL AND REGULATION

PART 6.1: AREAS OF SMOKING PROHIBITION

6.1.1 A person must not **smoke**:

- (a) in a **building**, other than:
 - (i) a **dwelling unit**;
 - (ii) a hotel or motel room or suite designated for **smoking** by an **operator**; or
 - (iii) enclosed **premises**:
 - A. that are not open to the public; and
 - B. where the only occupants of the **building** are the owner or owners of the **business** carried on in the **building**;
- (b) in a **vehicle for hire**, other than in Class J (rental vehicles) and Class M (tow trucks);
- (c) in a **vehicle** when any other occupant of the **vehicle** is under the age of nineteen (19) years of age;
- (d) in, or within three (3) metres of, an enclosed or partially enclosed shelter where persons wait to board a **vehicle for hire** or public transit;
- (e) within six (6) metres of a sign post or sign indicating where persons wait to board a **vehicle for hire** or public transit;

- (f) within six (6) metres measured on the ground from a point directly below any point of any opening into any **building** including any door or window that opens or any air intake;
- (g) in a **customer service area**; or
- (h) within six (6) metres of the perimeter of a **customer service area**.

6.1.2 Except as permitted in section 6.1.1, a **responsible person** for any of the following:

- (a) a **business** which occupies a **building** or **premises**;
- (b) a hospital or health clinic;
- (c) a **place of public assembly**;
- (d) a **customer service area**;
- (e) the **common area** of a **building**;
- (f) a **building**, **premises** or facility that is owned or leased by the **City**, other than a rented one-family dwelling or **dwelling unit**; or
- (g) a **vehicle for hire**, other than Class J (rental vehicles) and Class M (tow trucks)

must not permit, suffer or allow a person to **smoke** while the person is:

- (h) within any such **building**, **premises**, place, **common area**, **customer service area** or **vehicle for hire**; or
- (i) within any area described in subsections 6.1.1 (e) and 6.1.1 (g), except to the extent that all or part of such area is not part of the parcel on which the **building** or **customer service area** is situated and is not an area over which the **responsible person** has possession or control; and

in accordance with Part 6.2, must post and maintain a sign indicating that **smoking** is prohibited within that **building**, **premises**, place, **common area**, **customer service area** or **vehicle for hire**.

PART 6.2: SIGN REQUIREMENTS

6.2.1 A person who is required to post and maintain a sign under this Subdivision must ensure that each required sign:

- (a) is **prominently** displayed and maintained at the location where the sign is required;
- (b) carries the text “No Smoking”, in either capital or lower case letters or a combination of both;
- (c) consists 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) has 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	20.3 centimetres (8 inches); and

- (e) includes in the text at the bottom of each sign the following words:

“City of Richmond Public Health Protection Bylaw No. 6989,
Maximum Penalty \$1,000”

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 letters.

6.2.2 Despite subsections 6.2.1 (d) and (e), the international symbol for “no smoking” may be used to indicate an area in which smoking is prohibited, in accordance with subsection 6.2.4.

6.2.3 Each international symbol referred to in section 6.2.2 must:

- (a) include the text at the bottom of each sign “City of Richmond Public Health Protection Bylaw No. 6989, Maximum Penalty \$1,000” 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	20.3 centimetres (8 inches)
24.4 metres (80 feet) or less	30.4 centimetres (12 inches)
48.8 metres (160 feet) or less	40.6 centimetres (16 inches)
73.1 metres (240 feet) or less	60.8 centimetres (24 inches)

6.2.4 For the purposes of this bylaw, the international symbol described in subsections 6.2.2 and 6.2.3, while depicting a cigarette, means that any form of **smoking**, as defined in this bylaw, is prohibited in relation to that area.

6.2.5 A person must not remove, alter, conceal, deface or destroy any sign posted in accordance with this Bylaw.

PART 6.3: RECREATIONAL AREA REGULATIONS

6.3.1 No person shall light a cigarette, cigar, pipe or other smoking equipment, **smoke** or use tobacco in any other manner, on or within twenty-five (25) metres of an area of **public land** described in Schedule B, which is attached and forms part of this bylaw.

2. The **Public Health Protection Bylaw No. 6989**, as amended, is further amended at Subdivision Seven by deleting Parts 7.1 and 7.2 and substituting the following:

PART 7.1 VIOLATIONS AND PENALTIES

7.1.1 Any **operator, responsible person** or 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 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 this bylaw of this bylaw and is liable on summary conviction, to a fine not to exceed \$10,000, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

3. **Public Health Protection Bylaw No. 6989**, as amended, is further amended at SUBDIVISION EIGHT by deleting the definitions of **Bank, Government Office, Personal Services Establishment, Retail Establishment** and **Smoke or Smoking** in Part 8.1 and adding the following, in alphabetical sequence:

BUILDING

means a structure or portion of a structure, including foundations and supporting structures for equipment

or machinery or both, which is used or intended to be used for supporting or sheltering a use, persons, animals or property;

BUSINESS

means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit, whether in or from **premises** within the **City**;

COMMON AREA

means any part of a **building** or **premises** that is available for common use by the occupants or that is generally open to and accessible by the public, including but not limited to a lobby, foyer, lounge, stairwell, elevator, escalator, corridor, cloakroom, washroom, amenity room, food fair seating area, and the common property of a strata corporation or cooperative association;

CUSTOMER SERVICE AREA

means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of, connected to or associated with a **licenced establishment** or other **business** that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;

DWELLING UNIT

means a suite of one or more rooms designed for or occupied by one family only as a single housekeeping unit providing living, sleeping, kitchen and sanitary facilities;

PREMISES

means a portion of a **building** in respect of which a person or business has exclusive possession;

RESPONSIBLE PERSON

means a person who owns, controls, manages, or supervises a **business, building, premises, common area, customer service area, place of public assembly**, or a **vehicle for hire**, and without limitation, includes an **operator** and the driver of a **vehicle for hire**;

SMOKE OR SMOKING

means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other weed or substance; and

VEHICLE FOR HIRE

means a Vehicle For Hire described in the City's **Vehicle for Hire Regulation Bylaw No. 6900**, as amended or replaced from time to time.

- 4. This Bylaw comes into force and effect on November 30, 2008.
- 5. This Bylaw is cited as **"Public Health Protection Bylaw No. 6989, Amendment Bylaw No. 8360"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division
APPROVED for legality by Solicitor



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 8361**

The Council of the City of Richmond enacts as follows:

1. The **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by deleting Subdivision Six of Schedule B 9 [*Public Health Protection Bylaw 6989 - Smoking Control & Regulation*] and substituting the following:

Subdivision Six – Smoking Control & Regulation

Smoking where prohibited – First offence	6.1.1, 6.3.1	\$ 150
Smoking where prohibited – Second offence	6.1.1, 6.3.1	\$ 500
Smoking where prohibited – Third or subsequent offence	6.1.1, 6.3.1	\$ 1,000
Permitting or allowing smoking	6.1.2	\$ 1,000
Failure to post no smoking sign	6.1.2	\$ 1,000
Deficient no smoking sign	6.2	\$ 1,000
Person removing or destroying required sign	6.2.5	\$ 200

2. This Bylaw comes into force and effect on November 30, 2008.
3. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8361**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by Originating Division
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER