



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: August 1, 2007  
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VanRIMS No.:  
Meeting Date: September 20, 2007

TO: Standing Committee on City Services and Budgets

FROM: Deputy General Manager of Community Services and  
Regional Director, Health Protection, Vancouver Coastal Health

SUBJECT: Enactment of a new Health By-law

RECOMMENDATION

- A. THAT Council repeal the Health By-law;
- B. THAT Council enact an abridged health by-law, generally as set out in Appendix A, that eliminates health regulations duplicated in provincial or other municipal legislation or suitable for inclusion in more appropriate by-laws;
- C. THAT Council amend the:
  - (i) Building By-law, generally as set out in Appendix B, primarily to regulate the design and construction of marinas,
  - (ii) Standards of Maintenance By-law, generally as set out in Appendix C, to require owners to keep their property free from pests, and to eliminate infestations, and
  - (iii) License By-law, generally as set out in Appendix D, mainly to regulate marina operators;
  - (iv) Solid Waste By-law, generally as set out in Appendix F, to regulate garbage containers;

- (v) Street and Traffic By-law, generally as set out in Appendix G, to regulate littering on streets;
  - (vi) Smoking Provisions of the Health By-law as set out in Appendix A, to remove an exemption for tobacco retailers, prohibit smoking on patios, control smoking at the front entry of buildings and prohibit smoking in transit shelters;
- D. THAT Council authorize the Director of Legal Services to bring forward for enactment a new health by-law, and amendments to the Building By-law, Standards of Maintenance By-law, and License By-law, generally as set out in Appendices A, B, C, D, F and G,
- E. THAT enforcement of the new smoking provisions of the Health By-law be withheld for 6 months so that staff can embark on a campaign to educate the public and businesses as to the new smoking provisions in the Health By-law;

#### **GENERAL MANAGER'S COMMENTS**

The General Manager recommends approval of the foregoing.

#### **CITY MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

#### **COUNCIL POLICY**

This report is consistent with Council focus in recent years on updating and streamlining by-laws, policies, and guidelines.

Further, on April 17, 2007 City Council passed the following motion:

THAT the current by-law prohibiting smoking in public places be extended to include the patios of restaurants and bars, end entrances to public facilities;

AND FURTHER THAT a comprehensive 6 month public communications strategy be included as part of a transition period for implementing the recommended changes.

#### **SUMMARY**

City staff has recently undertaken an extensive review of the Health By-law. A concurrent review has also been undertaken by the staff of Vancouver Coastal Health. A close study of the by-law has revealed that provincial legislation and other by-laws contain provisions similar to the vast majority of provisions in the Health By-law. Staff has determined that Council could repeal the Health By-law and replace it with a greatly abridged version, and that the loss of regulatory capacity would not be significant, given that legislation such as the

Health Act of British Columbia and its Food Premises Regulations, and by-laws such as the Building By-law, Standards of Maintenance By-law, Street and Traffic and Solid Waste By-law have largely supplanted Health By-law requirements that have remained unchanged for decades. The proposed changes to the various by-laws either constitute legislative housekeeping rather than policy changes or recognize that the Province, under its uniform legislation, is better equipped to regulate the matters identified in the attached Appendix E. Appendix E lists all existing Health By-law provisions, and shows other regulations that already cover or could cover these provisions.

The provisions of the Health By-law affecting the restriction of smoking in public places is also proposed for expansion. Council at a meeting held on April 17<sup>th</sup> of this year directed:

“THAT the current by-law prohibiting smoking in public places be extended to include the patios of restaurants and bars, and entrances to public facilities; AND FURTHER THAT a comprehensive 6 month public communications strategy be included as part of a transition period for implementing the recommended changes.”

The by-laws accompanying this report include the above noted changes as well as placing new restrictions on smoking in transit shelters and in shops which retail smoking products.

## PURPOSE

The purpose of this report is to request Council approval to repeal the Health By-law and replace it with an abridged Health By-law that will provide greater clarity on health related regulations by reducing the scope of the by-law to include only those regulations which provincial statutes and regulations, and other by-laws, do not address. New provisions would be included in the by-law which would restrict smoking on the patios of restaurants and bars, transit shelters and in shops which retail smoking products. It also requests incorporation in the following by-laws of certain Health By-law provisions that should come, more appropriately, under their purview:

- (a) Building By-law, generally as set out in Appendix B, primarily to regulate the design and construction of marinas;
- (b) Standards of Maintenance By-law, generally as set out in Appendix C, to require owners to keep their property free from pests, and to eliminate infestations;
- (c) License By-law, generally as set out in Appendix D, mainly to regulate marina operators;
- (d) Solid Waste By-law generally as set out in Appendix F, to regulate garbage containers;
- (e) Street and Traffic By-law, generally as set out in Appendix G, to regulate littering on streets;

## DISCUSSION

The Health By-law originated in 1887, and, since then, successive Councils have amended and enacted many incarnations, the last enactment having occurred in 1989.

Staff from Licences and Inspections and Legal Services recently completed the first extensive review of the Health By-law conducted in many years. As a result of this review, staff has determined that provincial legislation includes many provisions similar to Health By-law provisions. For example, the Health Act of British Columbia regulates food premises as does the Health By-law. In many instances, the provincial legislation is far more detailed and precise than the corresponding sections in the Health By-law. If Council were to repeal those sections, it would eliminate confusing duplication. The Medical Health Officer would continue to be responsible for enforcing food premises regulations under the Health Act. A concurrent review by Vancouver Coastal Health staff has identified similar findings.

It should be noted that the Province is working on an updated Public Health Act which is scheduled to be introduced in the spring of 2008.

### Smoking Provisions:

The Provincial Government has now issued their discussion draft of the new Tobacco Control Act Regulations. VCH staff has reviewed the draft language and provided comments and suggestions for improvement prior to the July 19<sup>th</sup> consultation deadline. It appears that it is the government's intent to bring the smoking prohibitions early in 2008.

1. the consultation draft proposes to prohibit smoking in indoor and "fully or substantially enclosed" areas. The draft language provides a good working definition of what "substantially enclosed" means with respect to patios with awnings and side walls. It does not, however, propose to prohibit smoking on patios, unless the patio is deemed to be "substantially enclosed".
2. the government is proposing adoption of a 3 metre buffer zone in front of entryways, openable windows and fresh air intakes.
3. the draft proposes to exempt patios from being governed by the "entryway buffer zone" provision, unless doors and openings to the interior spaces are not kept closed. VCH staff believe this will create some difficulties in terms of interpretation, application and enforcement of the regulation and have provided these comments back to the Ministry of Health.

### Proposed amendments:

To fulfill Council's request, staff recommend that amendments, generally as attached in Appendix A, be made to the Health By-law to prohibit smoking on patios of restaurants and liquor establishments effective August 1, 2007 (or passing of the by-law).

Staff have crafted the by-law amendment to reinforce the social norm of smoke-free environments, by starting from the position that indoor smoking is generally prohibited, making allowance for a few exceptions. Staff have also attempted to address concerns

raised during the introduction of the CRD patio smoking prohibition by further prohibiting smoking within 6 metres of the periphery of a "customer service area" ( i.e. patio).

If Council wishes to proceed with by-law restrictions which would prohibit smoking at entryways, openable windows and fresh air intakes of public buildings, one which would be more stringent than the proposed 3 metre setback in the provincial regulation, we have included some wording that would provide for this. The challenge has been to determine a reasonable distance which can be scientifically supported as protective of the indoor environment. The science on second hand smoke exposure and effects has progressed since 1995 and now includes a number of research papers on the subject of smoke drift from the outside through doorways, windows, and intakes. The body of evidence would support buffer zones in the range of 6 to 7.5 metres for maximum protection of the indoor environment. For example, a 2005 paper by Jim Repace concluded the following:

" Moreover, smokers in proximity to a doorway as persons enter or depart, may result in smoke being inducted into the building, posing a chronic threat as well as an acute one, to building occupants. Therefore, it makes sense to post signs warning smokers not to smoke closer than about 20 feet from building entrances, and to place ashtrays at that distance and no closer. Moreover, because some persons suffer from severe asthma, and secondhand smoke is a known asthmatic trigger, this is another good reason to keep smokers from congregating closer to building entrances than 20 feet."

The province has raised a concern about the impact of a chain of 7.5 metre buffer zones in major entertainment and commercial zones, where the effect might be that no smoking on any public sidewalk would be permitted. Staff do not feel that this is a compelling enough argument to jeopardize the air quality inside establishments by adopting too restrictive a buffer zone.

Regulations are in their infancy in this area, with 4 metres being at the low end (Nova Scotia) of the spectrum and 7.5 to 9 metres at the high end. Staff are proposing a 6 metre buffer zone which would be in line with the current provisions in Hawaii, but a little less than the 25 foot distance enacted by Washington State.

It is important to note that this provision, if enacted, would essentially be a signage provision in that the operator of the adjacent premises would be required to post signage (meeting the requirements set out in the by-law) on their building façade within the buffer zone. Persons contravening the smoking restriction could be ticketed or prosecuted, once the comprehensive communication period has concluded.

Staff also wish to take this opportunity to propose amendments to three other parts of the smoking provisions of the Health By-law, the first to prohibit smoking in transit shelters, the second to remove a loophole in the current by-law wording which allows smoking in tobacco shops and the third to delete the reference to smoking rooms in the By-law in anticipation of the new Provincial regulations that will prohibit smoking rooms.

Prohibition of smoking in transit shelters (enclosed or partially-enclosed) has already been enacted in a number of communities, including the City of North Vancouver. VCH staff would work with City staff and their street furniture provider to establish shelter signage in a number of visible but flexible ways (e.g. etching into glass panels; durable plastic signage, etc.) This prohibition is not intended to apply to open-air bus benches.

Staff propose deleting the "exemption" that currently exists in the definition of "commercial establishment" which broadly interpreted permits "tobacco shops", "cigar shops" and other tobacco vendors to allow their patrons to smoke indoors. An additional complication has arisen with the use of this clause to allow for "hookah smoking" parlours under retail licenses. This "loophole" runs contrary to the intent of the indoor smoke-free regulations, is at odds with the Worksafe BC secondhand smoke regulations and will be inconsistent with the intent of the provincial smoke-free public place regulations. There is likely to be concern raised by cigar emporiums and tobacconists, as well as proponents of hookah parlours, but these concerns need to be placed against the overarching objective of protecting workers and patrons from secondhand smoke. Prospective and current operators of hookah parlours have suggested that the "traditional and/or cultural" use of hookah pipes should be exempted from any City or provincial prohibitions and are prepared to bring their case forward to Council.

#### COMMUNICATIONS PLAN:

VCH staff will work with the impacted industry, the City and the voluntary health sector over the six months between August 1 and February 1, 2008 to ensure that there is a high level of awareness and understanding of the new provisions. The first six months will focus on education and monitoring for compliance, with active enforcement commencing early in 2008.

It is not expected that the changes proposed to the Health By-law would substantially affect the current level of service provided by Vancouver Coastal Health in the administration and enforcement of the smoking provisions of the Health By-law.

There will, however, be a transition period in which City Inspectors will be called upon to enforce the regulations which have migrated to by-laws other than the Health Bylaw. Coordination with VCH will be ongoing in regard to these matters to ensure that gaps in service do not arise.

Staff's review and subsequent consultation with the Engineering Department determined that other by-laws such as the Building By-law, Standards of Maintenance By-law, Solid Waste By-law and Street and Traffic By-law cover most of the remaining Health By-law provisions. Staff currently administer and enforce those by-laws. Other provincial or municipal legislation does not currently include Health By-law provisions regarding regulation of the design and construction of marinas which the Building By-law could accommodate, of the businesses of marina operators which could fit within the License By-law, or pest infestations which the Standards of Maintenance By-law could regulate. Accordingly, staff recommends such by-law amendments.

That leaves only the following three topics which current legislation does not address but which a new and more concise health by-law could regulate:

- Public nuisance - no defecating/urinating in public
- Pest control (for domestic use by private homeowners)
- Smoking restrictions

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **SOCIAL IMPLICATIONS**

A new compressed health by-law will provide consistency by eliminating duplication and conflict between the various regulations.

## **CONCLUSION**

Repealing the Health By-law and enacting a new abridged health by-law will provide clarity on health regulations, and end duplication with other legislation, and moving other health regulations to other by-laws will provide a more appropriate venue for them.

\* \* \* \* \*

**DEPARTMENTAL APPROVAL AND REPORT CONCURRENCES**

**General Mgr./Dept. Head:**

**Report Date:** August 1, 2007

**Author:** Carlene Robbins

**Date:**

**Phone No.:** 604.873.7535

This report has been prepared in consultation with the departments listed to the right, and they concur with its contents.

**Concurring Departments:**

Legal - Francie Connell \_\_\_\_\_  
Signature

Health - Nick Losito \_\_\_\_\_  
Signature

Building - W.M. Johnston \_\_\_\_\_  
Signature

Engineering - P. Judd \_\_\_\_\_  
Signature



APPENDIX A

CITY OF VANCOUVER  
BRITISH COLUMBIA



HEALTH BY-LAW NO. \_\_\_\_\_

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BY-LAW NO. \_\_\_\_\_

A By-law to provide for the care, promotion,  
and protection of the health of inhabitants

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1  
INTERPRETATION

Name of By-law

1.1 The name of this By-law, for citation, is the "Health By-law".

Definitions

1.2 In this By-law:

"building" includes a structure;

"business" means a business, trade, profession, or other occupation for which a person must obtain a license under the License By-law;

"common areas" include lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

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

"premises" means a portion of a building in respect of which a person has exclusive possession;

"responsible person" means a person who owns, controls, manages, supervises, or operates:

- (a) a business or other use which occupies all or substantially all of a building,
- (b) a business or other use which occupies premises,
- (c) common areas, or
- (d) a customer service area,

and, in respect of common areas, includes a strata corporation or cooperative association, and also means a person who drives 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 defined in the Vehicles for Hire By-law.

### **Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

### **Schedules**

1.4 The schedules attached to this By-law form part of this By-law.

### **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

### **Duty of administration and enforcement**

1.6 The intent of this By-law is to set standards in the general public interest, and not to impose a duty on the city or its employees to enforce its provisions, and:

- (a) a failure to administer or enforce its provisions, or the incomplete or inadequate administration or enforcement of its provisions, is not give to rise to a cause of action in favour of any person; and
- (b) the grant of any approval or permission or issuance of any permit is not a representation, warranty, or statement of compliance with the By-law, and the issuance thereof in error is not to give rise to a cause of action.

## SECTION 2 HEALTH REGULATIONS

### Ban on certain behaviours

2.1 A person must not expectorate, urinate, or defecate on or in any street or other public place, except in a location in a public building or facility provided specifically for such purpose.

### Ban on smoking

2.2 A person must not smoke:

- (a) in a building, except in:
  - (i) a dwelling unit or sleeping unit defined under the Zoning and Development By-law including a dwelling unit in which an owner or occupier also carries on a business,
  - (ii) a hotel or motel room or suite designated for smoking by a responsible person, or
  - (iii) enclosed premises that are not open to the public, and the only occupants of which are the owner or owners of a business other than a business, such as a private club or smoking club, a purpose of which is to allow patrons, customers or other persons to smoke in such premises;
- (b) in a vehicle for hire, except if none of the passengers are minors, and all passengers and the driver consent;
- (c) on public transit including a school bus, passenger bus, ferry, or rapid transit;
- (d) in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit;
- (e) within six 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;
- (f) in a customer service area; or
- (g) within six metres of the perimeter of a customer service area.

## Enforcement of ban on smoking

2.3 Except as permitted by section 2.2, a responsible person must not suffer or allow a person to smoke in:

- (a) a building or customer service area;
- (b) premises or common areas;
- (c) an area described in section 2.2(e) or (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 situate and is not an area over which such responsible person has possession or control; or
- (d) in a vehicle for hire.

## Signs banning smoking

2.4 A responsible person must display, or ensure the display of, a sign at all times:

- (a) at each entrance to a building or customer service area or to premises, or in a vehicle for hire, where section 2.2 prohibits smoking, stating:

THIS IS A SMOKE FREE ENVIRONMENT - NO SMOKING; and

- (b) on each exterior wall of a building, where section 2.2 prohibits smoking, stating:

SMOKING IS PROHIBITED WITHIN SIX METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE.

## Sign requirements

2.5 All signs referred to in section 2.4 must:

- (a) include the text "City of Vancouver Health By-law" in letters not less than one quarter of the height of all other letters on the sign;
- (b) display the international symbol to designate "No Smoking", or, in areas where smoking is permissible, the international symbol to designate "Smoking Permitted", which symbol must occupy at least 25% of the size of the sign;
- (c) consist of at least two contrasting colours, except that if the lettering is on a clear panel then the lettering must contrast to the colour of the background;
- (d) be at least 30 cm by 15 cm;

- (e) be clearly visible; and
- (f) except for the text specified in subsection (a), consist of lettering, whether upper case or lower case, that is not less than the following heights based upon the following maximum viewing distances in direct line of sight:

<u>Viewing Distance</u>	-	<u>Letter Height</u>
Up to 3 m	-	1 cm
Up to 6 m	-	2 cms
Up to 12 m	-	4 cms

### Condition of signs

2.6 A person must not remove, alter, conceal, deface, or destroy any sign required under this By-law.

### Ban on pesticides

2.7 A person must not apply, or suffer or allow the application of, a pesticide:

- (a) that is a registered control product under the Pest Control Products Act (Canada); and
- (b) that persons use directly or indirectly to control, destroy, attract, or repel a pest, being:
  - (i) an animal, plant, or other organism that is directly or indirectly injurious, noxious, or troublesome, or
  - (ii) an injurious, noxious, or troublesome condition or organic function of an animal, plant, or other organism,

or to mitigate or prevent any injurious, noxious, or troublesome effects of a pest.

### Exception to ban on pesticides

2.8 Despite section 2.7, a person may apply, or suffer or allow the application of, a pesticide:

- (a) to disinfect swimming pools, whirlpools, spas, or wading pools;
- (b) to purify water intended for the use of human beings or animals;

- (c) within an enclosed building, being an area closed in by a roof or ceiling and walls with appropriate openings for ingress or egress equipped with doors which are kept closed except when actually in use for ingress or egress;
- (d) to control termites;
- (e) to control or destroy a health hazard;
- (f) to control or destroy pests which have caused infestation to property, being the presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage;
- (g) to exterminate or repel rodents;
- (h) as a wood preservative;
- (i) as an insecticide bait enclosed by the manufacturer in a plastic or metal container made in a way that prevents or minimizes access to the bait by human beings and pets;
- (j) as an insect repellent for personal use; or
- (k) that a person may use a pesticide that is or contains any of the active ingredients set out in Schedule A to this By-law.

### SECTION 3 OFFENCES AND PENALTIES AND ENFORCEMENT

#### Notice of violation

3.1 An inspector or official of the city, or a by-law enforcement officer, may give notice to any person ordering or directing that person to:

- (a) discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that contravenes this By-law; or
- (b) carry out any work or do anything to bring any land or building into conformity with this By-law;

within the time specified in such notice.

#### Service of notice

3.2 An inspector or official of the city, or a by-law enforcement officer, may serve a notice under this By-law:



- (a) by mailing it by registered post to an owner who is the addressee of the notice at the address of the owner shown on the real-property assessment roll prepared pursuant to the Assessment Act;
- (b) by handing it to the person who is the addressee of the notice; or
- (c) if the notice refers to real property, by posting it on the real property.

### **Offences under By-law**

#### **3.3 A person who:**

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 3.

#### **Fine for offence**

3.4 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence, except that a person who commits an offence under section 3.3(c) of this Bylaw is liable to a fine of not less than \$500.00 for each offence.

#### **Fine for continuing offence**

3.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

**SECTION 4  
REPEAL AND ENACTMENT**

**Repeal**

4.1 This By-law repeals By-law No. 6580.

**Force and effect**

4.2 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this                    day of                    ,  
2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**SCHEDULE A  
PERMITTED PESTICIDES**

acetic acid	material preservatives
animal repellents except thiram	Methoprene
anti-fouling paints	mineral oils for insect and mite control
antisapstain wood preservatives	n-octyl bicycloheptene dicarboximide
asphalt solids (pruning paints)	naphthalene for fabric protection
bacillus thuringiensis kurstaki (Btk)	Paradichlorobenzene for fabric protection
bactericides used in petroleum products	pesticides in aerosol containers
boron compounds	pesticides registered under the Pest Control Products Act (Canada) for application to pets
boron compounds with up to 5% copper for insect control and wood preservation	piperonyl butoxide
capsaicin	plant growth regulators
cleansers	polybutene bird repellents
corn gluten meal	Pyrethrins
d-phenothryn	Resmethrin
d-trans-allethrin, also referred to as d-cis, trans allethrin	Rotenone
deodorizers	silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel
fatty acids	silicon dioxide, also referred to as "diatomaceous earth"
ferric phosphate	Slimicides
ferrous sulphate	Soaps
hard surface disinfectants	sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide
insect bait stations	Surfactants
insect pheromones	swimming pool algicides and bactericides
insect repellents	Tetramethrin
laundry additives	wood preservatives

BY-LAW NO. \_\_\_\_\_

A By-law to amend Building By-law No. 9419  
regarding float homes and marinas

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Building By-law.
2. In Sentence 1.4.1.2.(1) of Division A, Council:
  - (a) to the definition of "*Building*", after "*occupancy*", adds "including any *float home* or *marina*";
  - (b) after the definition of "*Flash point*", adds:

"*Float home* means any structure incorporating a floatation system, intended for use or occupancy or being used or occupied for *residential* purposes, containing one *dwelling unit* only, and not primarily intended for, or useable in, navigation, but does not include any *water craft* designed or intended for navigation.";
  - (c) after the definition of "*Licensed Beverage Establishment*", adds:

"*Liveaboard vessel* means any *water craft* intended primarily for use in navigation and used for residential purposes.";
  - (d) after the definition of "*Major occupancy*", adds:

"*Marina* means any structure or installation, including marina walkways, which provides moorage space for *water craft*.

*Marine toilet* means any toilet on or within a *water craft*.

*Marina walkway* means any surface extending over navigable water used to accommodate pedestrian traffic, and used so that *water craft* and *float homes* may lie alongside to receive and discharge cargo and passengers.";
  - (e) after the definition of "*Public way*", adds:

"*Pump-out facility* means a device or method for the removal of sewage from a holding tank connected to a *marine toilet* or from a self-contained *marine toilet*.";

- (f) to the definition of "*walkway*", after "*buildings*", adds ", except for a *marina walkway*"; and
  - (g) after the definition of "*Waste pipe*", adds:
    - "*Water craft* means any boat, hull, barge, or houseboat which is afloat, whether self propelled or not, and includes pleasure and commercial craft."
3. In Sentence 1.1.1.1.(1) of Division A, Council:
- (a) from clause (n), strikes out "and" ;
  - (b) from clause (o), strikes out the period; and
  - (c) after clause (o) of Division A, adds:
    - "(p) the design and *construction* of a *marina*, and
    - (q) an *alteration* of a *marina*."
4. Council repeals the title of Article 1.3.3.3. of Division A, and substitutes "**Application of Parts 9 and 11**".
5. After Sentence 1.3.3.3.(1) of Division A, Council adds:
- "2) Part 11 applies to the design, *construction*, and *alteration* of all *marinas* and *float homes*."
6. To Table 1.3.1.2. of Division B, Council adds:
- "NFPA 303 Fire Protection Standard for Marinas and Boatyards 11.2.2.1.(1).  
British Columbia Float Home Standard 11.2.2.1.(2)."
7. After Part 10 of Division B, Council adds:
- "PART 11**
  - FLOAT HOMES AND MARINAS**
  - Section 11.1. General**
  - 11.1.1. Scope and Definitions**
  - 11.1.1.1. Scope**
    - 1) The scope of this Part shall be as described in Subsection 1.3.3. of Division A.
  - 11.1.1.2. Defined Words**

- 1) Words that appear in italics are defined in Article 1.4.1.2. of Division A.

## Section 11.2. Design and Construction and Other Requirements

### 11.2.1. Existing Float Homes and Marinas

#### 11.2.1.1. Requirements

- 1) Except as permitted by Article 11.2.1.2., where an existing *marina* is *altered*, it shall comply with Section 11.2.2. of this By-law.
- 2) Where an existing *float home* is altered, it shall be upgraded in accordance with Article 1.1.1.2. of Division A.

#### 11.2.1.2. Exceptions

- 1) Except as required by Sentence (2), Sentences 11.2.2.2.(1), 11.2.2.3.(3), 11.2.2.6.(1), 11.2.2.6.(2), 11.2.2.7.(1), and 11.2.2.8.(1) shall not apply to an existing *marina*.
- 2) Where a *building permit* is issued for an *alteration* to a *marina*, and the total value of the *alteration*, as calculated in accordance with Article 1A.7.2.4. of Division C, exceeds 50% of the actual value of the *marina* as determined by the Assessment Authority of British Columbia at the time that the *building permit* is issued, the *marina* must comply with this Part.

### 11.2.2. New Float Homes and Marinas

#### 11.2.2.1. Construction Requirements

- 1) A *marina walkway* shall be protected against fire spread and collapse in accordance with NFPA 303, "Fire Protection Standard for Marinas and Boatyards".
- 2) A *float home* shall be designed and constructed in accordance with the British Columbia Float Home Standard.
- 3) In addition to this Part 11, the requirements of Parts 7, 9, and 10 shall apply to the design, *construction*, and *alteration* of a *float home*.
- 4) In addition to this Part 11, the requirements of Parts 3 to 9 shall apply to the design and *construction* of any *structure* or installation forming part of a *marina*.

#### 11.2.2.2. Potable Water Supply for Marinas

- 1) *Potable* water shall be provided at a *marina* such that the water supply is located not more than 300 m from any *water craft*.
- 2) Each moorage space for a *liveaboard vessel* or *float home* shall be provided with a *potable* water connection.
- 3) Where *potable* water is supplied to a dockside, watering point, or *watercraft* connection, the *potable* water supply and each berth connection shall be protected with a *backflow preventer*.
- 4) A *marina* shall meet the requirements of Part 7 regarding potable water supply.

#### 11.2.2.3. Sewer Discharge for Float Homes and Marinas

- 1) Each moorage space for a *liveaboard vessel* or *float home* shall be provided with a *sanitary sewer* connection.
- 2) *Sewage* shall be discharged into an *acceptable sanitary sewer*.
- 3) Every owner or operator of a *marina* with more than 10 moorage spaces shall provide an easily accessible *pump-out connection* for visiting vessels and non *liveaboard vessels*.
- 4) *Pump-out facilities* shall be discharged into the *sanitary sewer*, and shall be designed, operated, and maintained to prevent any discharge of *sewage* onto docks or into the adjacent water.
- 5) A *sewer* pipe shall be located beside or underneath the surface of any *marina walkway* and in a manner that it is at no time submerged below water.
- 6) A *marina* shall meet the requirements of Part 7 regarding sewage discharge.

#### 11.2.2.4. Lighting for *Marinas*

- 1) All areas throughout a *marina* shall be illuminated to a minimum average level of 50 lux at the level of all *marina walkways*.

#### 11.2.2.5. Marina Walkways and Ramps Serving Float Homes and Marinas

- 1) A floating *marina walkway* which provides access to the upland area shall be at least 2 m wide.
- 2) A floating *marina walkway* which provides direct access to *water craft* shall be at least 750 mm wide.

- 3) An inclined *marina walkway* shall have a non skid surface and handrails on both sides conforming to Article 9.8.7.4.
- 4) Life rings, assist poles, and ladders from docks into the water shall be provided at intervals not exceeding 30 m along the length of all *marina walkways*.

#### 11.2.2.6. Washroom Facilities for Marinas

- 1) Separate washroom facilities shall be
  - a) provided for each sex, and
  - b) located within a 300 m walking distance from any *watercraft* moored at the *marina*.
- 2) The washroom facilities in Sentence (1) shall consist of a minimum of one water closet and one hand basin for males and one water closet and one hand basin for females for each 100 moorage spaces or part thereof, except that
  - a) up to one half of the total number of water closets required for males may be substituted with urinals, and
  - b) a marina with less than 10 moorage spaces shall be provided with one universal washroom having one water closet and one wash basin.

#### 11.2.2.7. Shower Facilities for Marinas

- 1) A *marina* providing moorage space to *water craft* which are not *liveaboard vessels* or *float homes* shall provide separate shower facilities for each sex in accordance with Sentence (2).
- 2) A minimum of one shower for males and one shower for females shall be provided for each 100 moorage spaces or part thereof.

#### 11.2.2.8. Laundry Facilities for Marinas

- 1) Every owner or operator of a *marina* providing moorage space to *water craft* which are not *liveaboard vessels* or *float homes* shall provide a laundry room in accordance with Sentences (2) and (3).
- 2) Laundry facilities in a marina shall include at least a washing and drying machine.
- 3) Laundry facilities in a marina shall not be located in a washroom."



8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BY-LAW NO. \_\_\_\_\_

**A By-law to amend  
Standards of Maintenance By-law No. 5462  
regarding pest control**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals the title to Section 4 of the Standards of Maintenance By-law, and substitutes:

“MAINTENANCE OF LAND, BUILDINGS, AND ACCESSORY BUILDINGS”.

2. After section 4.1(11) of the Standards of Maintenance By-law, Council adds:

“(12) Every owner of land must keep the land, and any building or accessory building on it, in such condition that it will not afford harbourage for or become infested with pests.

(13) If pests have infested land, or any building or accessory building on it, the owner of the land must eliminate the infestation.”

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BY-LAW NO. \_\_\_\_\_

**A By-law to amend License By-law No. 4450  
regarding the operation of marinas**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. To section 20.1 of the License By-law, after subsection (9), Council adds:
  - “(10) A marina operator must:
    - (a) post and maintain notices, that are visible to users of the marina, in conspicuous locations:
      - (i) in the marina prohibiting the discharge of sewage or oil,
      - (ii) in the marina stating the location of garbage containers, and that a person may dispose of garbage only at the garbage container area, and
      - (iii) on the docks of a marina indicating the location of sanitary facilities and laundry rooms;
    - (b) provide an adequate number of covered containers for the collection of garbage located conveniently where they are readily visible and available for use;
    - (c) provide for the regular servicing and emptying of garbage containers so as to prevent overflowing, foul odours, fly breeding, and the attracting of pests;
    - (d) provide containers designed for the collection and disposal of special waste from the marina operation;
    - (e) maintain the marina and property and buildings free of pests and conditions which attract, provide harbourage for, or promote the propagation of, pests;
    - (f) ensure that there is at least one public telephone available at all times within the marina for emergency use; and
    - (g) ensure that separate sanitary facilities are available for use 24 hours each day while the marina is operating.”

2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## APPENDIX E

Health By-law	Other legislation which deals with this subject ( ** note abbreviations for <u>Health Act</u> Regulations: Food Premises Reg.( FP Reg.), Sanitary Reg. ( San Reg.), Health Act Communicable Disease Reg. ( CD Reg.), Health Hazard Reg. ( HH Reg.), Slaughterhouse Reg.(SH Reg.), Public Place Sanitary Facilities Reg.(PPSF Reg.)
<p><b>Part 2 <u>General Provisions</u></b></p> <p>Many of the powers set out in Part 2 of the <u>Health By-law</u> are also specifically referenced in the provincial <u>Health Act</u>, in considerably more detail than in the <u>Vancouver Charter</u>. If these sections of the <u>Health By-law</u> were to be repealed, the medical health officer could still carry out the functions which are set out in Part 2 of the By-law, pursuant to his powers under the provincial <u>Health Act</u>. The City could eliminate the present duplication of the By-law and the <u>Health Act</u>, by removing all of Part 2 from the By-law.</p>	
2.1 Powers of entry of MHO	This section should be repealed because the <u>Vancouver Charter</u> sets out the powers of entry of the MHO, therefore there is no legal reason for this section , also see <u>Health Act</u> ss 61, 63
2.2 Unfit for occupancy, powers of MHO to cleanup, vacate, post	<u>Health Act</u> ss 63, 66, 67, 68
2.3 vacate building, no re entry without consent of MHO	<u>Health Act</u> s 63
2.4 power to inspect, destroy goods detrimental to public health	<u>Health Act</u> Part 4 - <u>Health Hazards</u> ss 63, 67(d), 69
2.5 prohibits re renting residence without disinfecting to satisfaction of MHO	<u>Health Act</u> ss 63, 66, 67, 76, 94
2.6 MHO may detain, examine, prohibit, handling, disposition of goods, food, conveyances which may be a menace to health due to contact with communicable diseases	<u>Health Act</u> ss 63, 88, 89, 90, 91, 92, 93 FP Reg. s 13
2.7 not to sell etc goods, food,	<u>Health Act</u> ss 88, 89, 90, 91, 92, 93 - FP Reg. ss. 12, 13 , 14

conveyances in contact with communicable diseases	
2.8 MHO may require medical exam of "any person " he suspects is a carrier of a communicable disease.	<u>Health Act</u> ss. 65, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90- a very specific legislative scheme deals with infection or contagion and preventing the spread of infection FP Reg. s 22 suspected carrier of communicable disease not to have contact with food, etc CD Reg. provides for compulsory examination and treatment
2.9 conveyances used to transport infected persons must be disinfected	<u>Health Act</u> ss 86, 90 clear and specific powers to require removal of infected persons, disinfection of conveyances
<p><b>Part 3 <u>Food Establishments</u></b></p> <p>This part of the <u>Health By-law</u> regulates food premises. So does the FP Reg. to the <u>Health Act</u>. There is considerable duplication between the by-law and the FP Reg. Generally speaking, the FP Reg. is much more specific. This part also sets out specific sanitation standards for buildings which have been largely replaced by the <u>Building By-law</u> s 3.7 - Health Requirements. The FP Reg. requires plan checks of food premises by health officials. Repealing this entire section of the By-law and enacting minor changes in the <u>Building By-law</u> would not disrupt the existing process for regulating food premises.</p> <p>The FP Reg. deals specifically with plan checks, permits, Food Safe programs, food storage, food temperature, employee hygiene, food handling, animals and pests.</p> <p>The by-law also refers to slaughter, grading and handling of food products including meat, eggs and poultry. The provisions in the by-law which deal with processing of poultry, meat and eggs appear to be relics of a bygone era. There is an extensive food processing, inspecting and grading industry in Canada which is subject to detailed federal and provincial regulation.</p>	
3.1 closure of food establishment by MHO	<u>Health Act</u> s 63 (4) (c) FP Reg. s 9 power to cancel permit
3.2 no sale of contaminated or damaged food without MHO approval	FP Reg. ss 11,12,13, 14, 15
3.3 MHO can order the destruction of food	<u>Health Act</u> ss 56, 61, 63 specific and detailed powers to examine and destroy food remove health hazards
3.4, 3.5 operator of food premise shall notify MHO of employee with communicable disease	FP Reg. s 22 - forbids operator of food premises from permitting person suffering communicable disease to be in contact with food etc, CD Reg. ss 2,7,8,12,18 contains a <u>general duty</u> to report <u>all</u> cases of persons suffering from a communicable disease, MHO may close public gathering place.
3.6 MHO can enter, take	<u>Health Act</u> s 61(4)(f) very specific powers to enter, take

samples, conduct tests in food establishment	samples, conduct tests
3.7 food establishment shall deal in wholesome food, maintain in clean condition, MHO approval required to construct or alter, person on premises at all time with food handling knowledge to satisfaction of the MHO	FP Reg. ss 3, 4 no construction or alteration unless plans approved by health official ss 11,12,13,14,15 - food sources and protection s 10 Foodsafe training required ss16, 17, 18, 19 20 - standards of cleanliness These provisions are far more detailed and specific
3.8 floors, etc impervious, washable, light coloured	FP Reg. s 4 alterations to food premises to be of materials which are durable, easily cleaned
3.9 no sawdust or litter on floor	FP Reg. ss 4, 26 premises to be free of conditions that lead to harbouring of pests
3.10 floor drains to be provided where floors subject to discharge of water	<u>Building By-law</u> contains various requirements for drains in Part 9 buildings, in washrooms with urinals with auto flushing devices. This provision should go in that by-law.
3.11 floors and ceilings may be resurfaced at request of MHO	<u>Standards of Maintenance By-law</u> ss 13.1 floors, 14.1 ceilings
3.12 minimum lighting standards for food establishment	<u>Standards of Maintenance By-law</u> s 19 FP Reg. s. 4(g) - artificial lighting in intensity to permit sanitary operation and maintenance of the premises
3.13. floor area of food establishment	This is not presently enforced, if this is a matter which the City wishes to regulate, it belongs in <u>Licensing/Zoning/ Building By-laws</u> FP Reg. ss 3, 4 requires plan checks
3.14 food prep area	This is not presently enforced, but belongs in the <u>Building By-law</u> FP Reg. ss 3, 4 - requires plan checks
3.15 separate locker rooms for men and women	Not presently enforced by the City, however, <u>Workers Compensation Act</u> Occupational Health and Safety Reg. s.4.86 if an employer requires employees to change into protective clothing, must provide "adequate change areas"
3.16 equipment to meet standards satisfactory to MHO	FP Reg. s 4 ventilation equipment adequate to prevent accumulation of smoke etc, equipment which will ensure safe and sanitary handling of food, also ss 16, 17, 18, 19 detail requirements re equipment
3.17 cleaning, storage, handling equipment	FP Reg. ss 16, 17, 18, 19 are very specific
3.18 supply of hot and cold water	FP Reg. s 4 (f) hot and cold water supply, pressure
3.19 water pressure	FP Reg. s 4 (f) hot and cold water supply, pressure

3.20, 3.21 requirements for washing equipment and utensils temperature and sanitizers	FP Reg. ss 17, 23, 24 - written procedures are required including cleaning and sanitizing requirements for equipment and utensils
3.22 requirement for sinks in food premises	FP Reg. ss 17, 23, 24 - written procedures are required including cleaning and sanitizing requirements for equipment and utensils, plan check includes sinks <u>Building By-law</u> s 3.7 Health Requirements
3.23 requirements for utility, janitor sinks	FP Reg. ss 17, 23, 24 - written procedures are required including cleaning and sanitizing requirements for equipment and utensils, plan check includes sinks <u>Building By-law</u> s 3.7 Health Requirements
3.24 temperature requirements for dishwashers	FP Reg. ss 17, 23, 24 - written procedures are required including cleaning and sanitizing requirements for equipment and utensils
3.25 ice cream scoops, dippers	FP Reg. s 12, food to be dispensed in a sanitary manner ss 17, 23, 24 - written procedures are required including cleaning and sanitizing requirements for equipment and utensils
3.26, 3.27 entry to food prep area by non employee, use thereof for non food prep purposes prohibited	FP Reg. s 4(d) food premises must be separate from and without direct access to living quarters or any area in which activities are carried out that are incompatible with the safe handling of food
3.28 hot and cold temperatures for food storage	FP Reg. s 14 hot and cold temperatures for storage and display of potentially hazardous food, frozen food
3.29 display, sale of perishable foods	FP Reg. ss 4(1)(i), 12 protection of food from contamination, food to be displayed, dispensed in a sanitary manner
3.30 no refreezing of thawed food	FP Reg. ss 12, 13, 14 temperature of frozen foods, 15
3.31 milk served in approved container	FP Reg. s 12 all food to be protected from contamination and stored in a sanitary manner
3.32 single service containers used only once	FP Reg. s 20 operator must not allow single service containers to be used more than once
3.33 food only served once	FP Reg. s 15 re previously served food (more specific and detailed than the By-law)
3.34 fruits, vegetables to be washed	FP Reg. s 12 food to be prepared in sanitary manner S 23 requires written food handling procedures
3.35 ice from potable water	<u>Health Act</u> s 53 power to regulate ice supplies FP Reg. s 4 food premises to be connected to a source of potable water, "food" definition would include ice, s 11 food from approved sources, s 12 protected from contamination
3.36 no sale, delivery of unpasteurized milk	<u>Health Act</u> Part 4 - Health Hazards_ extensive powers to deal with "health hazards"



	<p>HH Reg. says "health hazard" includes unpasteurized milk</p> <p><u>Milk Industry Act</u> s 6 prohibits sale, supply of any dairy product not pasteurized</p> <p><u>Animal Disease Control Act</u> Reg. s15, prohibits sale of unpasteurized milk</p>
3.37 no sale of unpasteurized milk	<p><u>Health Act</u> Part 4 - Health Hazards contains extensive powers to deal with "health hazards"</p> <p>HH Reg. says "health hazard" includes unpasteurized milk</p> <p><u>Milk Industry Act</u> s 6 prohibits sale, supply of any dairy product not pasteurized</p> <p><u>Animal Disease Control Act</u> ADC Reg. s15 prohibits sale of unpasteurized milk</p>
3.38 all food on premises deemed to be for human consumption	<p><u>Health Act</u> s 56- examination of food supplies exposed for sale - burden of proof that eatable is not for sale is on party charged.</p> <p>FP Reg. ss 11, 12, <u>all</u> food on premises must be from approved source, stored, handled in sanitary manner</p>
3.39 no sale of meat not labelled under <u>Meat Inspection Act</u>	<p><u>Health Act</u> - Part 4 provides extensive powers to inspect meat, deal with health hazards including s 56 inspection of meat offered for sale</p> <p>SH Reg. s 5 provides for inspection of slaughterhouses and meat</p> <p>FP Reg. s.11 food must be from approved source</p> <p><u>Meat Inspection Act</u> was repealed Sept 2004</p> <p><u>Agricultural Produce Grading Act</u> Beef Grading Reg., Hog Grading Reg., Veal Grading Reg. establish provincial schemes for grading and regulating the sale of beef, pork, veal in the province.</p> <p>The federal Canadian Food Inspection Agency (CFIA) enforces the provisions of the <u>Consumer Packaging and Labelling Act</u> and Regs and <u>Canada Agricultural Products Act</u> Livestock and Poultry Grading Reg. as they relate to food, including meat which is packaged for interprovincial sale or export/import.</p>
3.40, 3.41, 3.42 sale, slaughter of eviscerated turkeys, animals	<p><u>Health Act</u> - Part 4 provides extensive powers to inspect meat, poultry, deal with health hazards including s 52 inspection of slaughterhouses, s 56 inspection of meat, poultry offered for sale, destruction if health hazard</p> <p>SH Reg. s 5 provides for inspection of slaughterhouses and meat</p> <p>FP Reg. s 11 food must be from approved source</p> <p><u>Agricultural Produce Grading Act</u> Live, Dressed and Eviscerated Poultry Reg. establishes a provincial scheme for licensing and regulating the sale of poultry, including poultry packaged for sale in the province.</p> <p>The federal Canadian Food Inspection Agency ( CFIA ) enforces the provisions of the <u>Consumer Packaging and</u></p>

	<u>Labelling Act</u> and Regs, and <u>Canada Agricultural Product Act</u> and Regs and <u>Meat Inspection Act</u> as they relate to food, including poultry packaged for interprovincial sale or export/import.
3.43 no sale of cracked eggs	<u>Health Act</u> FP Reg. ss 12, 13, food must be protected from contamination, no food must be contaminated or unfit for consumption <u>Agricultural Produce Grading Act</u> Egg Product Reg. establishes a provincial scheme for licensing and regulation of eggs, states that federal standards apply to B.C. eggs which remain in the province. The federal Canadian Food Inspection Agency (CFIA) enforces the provisions of the <u>Consumer Packaging and Labelling Act</u> and Regs, <u>Canada Agricultural Products Act</u> Egg Reg. and Processed Egg Reg. as they relate to eggs packaged for interprovincial sale or export/import.
3.44 eggs maintained at max temp below 4 C	<u>Health Act</u> FP Reg. s 14 potentially hazardous food to be stored at not more than 4 C or less than 60 C
3.45 no blood on premises unless MHO consents	<u>Health Act</u> FP Reg. s 23 requires Food Safety Management Plan
3.46 special wrapping paper for food, no printed paper	<u>Health Act</u> FP Reg. s 23 Food Safety Management Plan
3.47 fish, meat not to be sold door to door	<u>Health Act</u> Part 4 Health Hazards, also vehicles used to transport such fish or meat would fall within the definition of "food premise" in the FP Reg. and would have to comply with the standards in the FP Reg.
3.48 meat, fish must be from approved source, labelled and wrapped	<u>Health Act</u> FP Reg. s 11 food from approved sources, s 12, protection from contamination <u>Agricultural Produce Grading Act</u> Regs <u>Consumer Packaging and Labelling Act</u> Regs
3.49 perishable foods must show source, date packaged	<u>Health Act</u> FP Reg. s 11 food from approved sources, s 12 protection from contamination. <u>Agricultural Produce Grading Act</u> Regs <u>Consumer Packaging and Labelling Act</u> Regs
3.50 perishable food must be delivered in refrigerated vans	<u>Health Act</u> FP Reg. "food premises" include any place where food is <u>transported</u> s 14 regulates food temperatures for potentially hazardous foods
3.51 food vending vehicles requirements	<u>Health Act</u> FP Reg. "food premises" include any place where food is sold, handled, prepared, served, stored, transported, or dispensed included food vending vehicles s 4 general construction easily cleaned materials, equipment to ensure safe handling of food, s12 protection from contamination, s 14 temperature requirements for storage

3.52 MHO can order food vending vehicle repaired if risk to health	<u>Health Act</u> Part 4 - Health Hazards
3.53 food from food vending vehicle to be in single serving containers unless vehicle complies with 3.54	<u>Health Act</u> FP Reg. does not deal specifically with this but the food vending vehicle is a "food premise" within that Reg. and should have to provide a food handling plan as any other food premise would.
3.54 specific detailed requirements for food preparation vehicle	<u>Health Act</u> FP Reg. re "food premises " s 4 source of potable water, adequate hot and cold water, adequate lighting, ventilation, equipment for safe and sanitary handling of food, food prep area to be separate.
3.55 requirements for mobile food service unit	<u>Health Act</u> FP Reg. generally
3.56 mobile food service requirements re milk steaming	<u>Health Act</u> FP Reg. s 12, food to be dispensed in a sanitary manner, ss 17, 23, 24 written procedures are required including cleaning and sanitizing requirements for equipment and utensils
3.57 food dispensing machine requirements	<u>Health Act</u> FP Reg. "food premises" include any place where food is sold, displayed, dispensed, the requirements in the FP Reg. apply and are more specific than those in the by-law.
3.58 owner of food dispensing machine to provide reasonable access for inspection	<u>Health Act</u> ss 61, 63 inspection powers
3.59 employee cleanliness	<u>Health Act</u> FP Reg. Division 5 <u>Employees</u> s 21 details of employee hygiene, hand washing, no hair contamination
3.60 no smoking in food prep areas	<u>Health Act</u> FP Reg. s 21 (2) no smoking where food prepared, dispensed or stored <u>Workers Compensation Act</u> Occupational Health and Safety Reg ss 4.81, 4.82, 4.83
3.61 no access to area used for habitation	<u>Health Act</u> FP Reg. s 4(1)(d)(i) separate from and without direct access to living quarters
3.62 food storage to be protected from pests	<u>Health Act</u> FP Reg. s 26 food premises to be free of conditions that lead to the harbouring or breeding of pests
<p><b>Part 4 <u>Sanitation</u></b></p> <p>This Part of the by-law regulates the keeping of animals, the disposal of manure, dealing with diseased animals, provision of adequate heat, water, light and</p>	

sanitary facilities in dwellings and on construction sites, the location and maintenance of garbage containers on private property and urinating and defecating on public streets.

Most of this part of the by-law has become redundant due to the enactment of provincial legislation. Some sections deal with matters which should be moved to another more appropriate by-law. For example, many of the provisions dealing with animals ought to be in the Animal Control By-law and have in fact been moved to that by-law recently. The subject of diseased animals is addressed in the Health Act and in the provincial Animal Disease Control Act.

The prohibitions against expectorating, urinating and defecating in public (4.21) are important matters of local concern to the City and should remain in the Health By-law., although the references to parks and lanes should be removed, as parks are regulated by the Parks Control By-law and lanes are included in "streets". The words "or in any public place" will be added, to ensure the section applies to private lands to which the public has access, such as parking lots and plazas. The Parks Control By-law should be amended to provide a similar section in regards to City parks, subject to the agreement of the Parks Board.

4.1 keeping of livestock prohibited	<u>Health Act</u> Part 4 would apply if a health hazard <u>Zoning and Development By-law</u> applies <u>Animal Control By-law</u> should regulate this ( RTS 06377)
4.2 sale of turtles and turtle eggs prohibited	<u>Health Act</u> Part 4 would apply if a health hazard San Reg. no animal with infectious, contagious disease to be brought into the province <u>Business Prohibition By-Law</u> should regulate this ( RTS 06377)
4.3 limits the number of small animals permitted in a residence	<u>Health Act</u> Part 4 would apply if a health hazard <u>Prevention of Cruelty to Animals Act</u> ss 1(2), 11 <u>Animal Control By-law</u> should regulate this( RTS 06377)
4.4 limits the number of birds permitted in a residence	<u>Health Act</u> Part 4 would apply if a health hazard <u>Prevention of Cruelty to Animals Act</u> ss 1(2), 11 <u>Animal Control By-law</u> should regulate this ( RTS 06377)
4.5 housing for pets to be clean and wholesome	<u>Health Act</u> Part 4 would apply if a health hazard <u>Prevention of Cruelty to Animals Act</u> ss 1(2),11 <u>Animal Disease Control Act</u> ADC Reg. <u>Animal Control</u> by-law, s 5.1 <u>Licence By-law</u> proposed amendments to Regulate pet stores ( RTS 06378)
4.6 disposal of manure in stables	<u>Health Act</u> <u>Agricultural Waste Control Reg.</u> regulates practices for managing manure <u>Animal Disease Control Act</u>
4.7 MHO can inspect animal suspected of disease	<u>Health Act</u> Part 4 San Reg. s. 48 re keeping of diseased animals SH Reg. re slaughterhouses and diseased animals <u>Animal Disease Control Act</u> ss 5, 6, 7, 8 quarantine , inspection, seizure of diseased animals
	<u>Animal Control By-law</u> s 4.8 confining dogs with

	communicable diseases
4.8 MHO can seize carcass of dead animal	<u>Health Act</u> s 52 - inspection of slaughterhouses, s 56 inspection of animals intended for food, Part 4 powers re health hazard, require removal of anything that causes health hazard, destruction of health hazard, etc. <u>Animal Disease Control Act</u> , ss5-8 quarantine , inspection, seizure of diseased animals
4.9 MHO can order quarantine of diseased animal	<u>Health Act</u> Part 4, San Reg. s. 48 re keeping of diseased animals <u>Animal Disease Control Act</u> ss 5, 6, 7, 8 quarantine , inspection, seizure of diseased animals
4.10 requires reporting of diseased animal	<u>Health Act</u> Part 4, San Reg. s. 48 re keeping of diseased animals SH Reg. <u>Animal Disease Control Act</u> ss5, 6, 7,8 quarantine , inspection, seizure of diseased animals
4.11 power to restore water services	<u>Health Act</u> s 63, 68, 73, 74
4.12 power to restore gas, electricity, hot water	<u>Health Act</u> s 63, 68, 73, 74
4.13 power of MHO to enter premises, restore services	<u>Health Act</u> s 63, 68, 73, 74
4.14 costs to be recovered in court or on tax roll	<u>Health Act</u> s 63, 68, 73, 74
4.15 contractor on construction site to provide water, sanitary services	<u>Health Act</u> powers to deal with health hazard <u>WCB Occupational Health and Safety Reg.</u> s. 4.85 requires employer to provide access to portable washrooms and handwashing facilities, no mention of drinking water, but must post a warning sign beside any non potable water
4.16 owner of land, building not to accumulate refuse, waste, noxious substance	<u>Health Act</u> powers to deal with health hazard <u>Untidy Premises By-law</u> ss 2,3,4,5 <u>Standards of Maintenance By-law</u> s 4.1 <u>Solid Waste By-law</u> s 9.1
4.17 no one to deposit refuse, waste on land, waters or improvements thereon, etc	<u>Health Act</u> powers to deal with health hazard <u>Untidy Premises By-law</u> ss2,3,4,5 <u>Standards of Maintenance By-law</u> s 4.1 <u>Solid Waste By-law</u> s 9.1 <u>Street and Traffic By-law</u> s 84 no deposit of refuse on street
4.18 garbage container and adjacent area to be maintained and emptied	<u>Health Act</u> powers to deal with health hazard <u>Untidy Premises By-law</u> <u>Standards of Maintenance By-law</u>

frequently so no nuisance	<u>Solid Waste By-law</u> s 9.1 <u>Street and Traffic By-law</u> s 84 no deposit of refuse on street
4.19 MHO can order removal of garbage, cleanup of garbage container	<u>Health Act</u> MHO powers to deal with health hazard <u>Untidy Premises By-law</u> s 5 <u>Standards of Maintenance By-law</u> s 23 <u>Solid Waste By-law</u> s 9.1 <u>Street and Traffic By-law</u> s 84 no deposit of refuse on street
4.20 City can enter property, cleanup if non compliance with order of MHO	<u>Health Act</u> powers to deal with health hazard <u>Untidy Premises By-law</u> s 5 <u>Standards of Maintenance By-law</u> s 23 <u>Solid Waste By-law</u> s 9.1 <u>Street and Traffic By-law</u> s 84 deposit of refuse on street
4.21 no expectorating, urinating, etc in public streets	This is an important section which ought to remain in a streamlined Health by-law. This section is generally enforced by the police, is an important control on street disorder and results in numerous prosecutions each year
4.22 owner of laundry to keep clean clothes separate from dirty clothes	This section is not presently enforced, but could be regulated as part of the <u>License By-law</u>
4.23 no disposal of sewage other than to a City sewer connection	<u>Health Act</u> s 25 requires system of sewage purification be maintained with sewer system, part 4 powers to deal with health hazards San Reg. ss 9, 10, 11 powers to deal with public nuisances <u>Sewer and Watercourse By-law</u> ss 2.3, 2.6 , 2.19 MHO can order sewer unstop if menace to public health, s 2.20 MHO can require connection to public sewer, on failure to comply Council can order City Engineer to connect the premises to the public sewer at the expense of the owner, s 3 waste water to be disposed of in city sewer.
4.24 buildings not to be used for human occupancy unless one flush toilet and one sink	<u>Building By-law</u> s 3.7 Health Requirements <u>Standards of Maintenance By-law</u> s.21.3
4.25 water closets, urinals to be separate from other rooms	<u>Building By-law</u> s 3.7 Health Requirements
4.26 water closets to be private, with impervious floors, walls	<u>Building By-law</u> s 3.7 Health Requirements <u>Standards of Maintenance By-law</u> s.21.3
4.27 sanitary facilities to be clean	<u>Standards of Maintenance By-law</u> ss 26.1(5), 21.10
4.28 temporary	<u>Health Act</u> general powers to deal with health hazards,

buildings, tents shall have sanitary facilities to the satisfaction of the MHO	also s 8, powers to make regulations re tent camps PPSF Reg. 94/82 requires "adequate sanitary facilities" in public places including campsites <u>Building By-law</u> s.1A.7.7, 1A.7.8 requires permits for tents and temporary structures, s 3.7 Health Requirements, would apply and require requisite numbers of toilets, etc for assembly occupancies.
4.29 office, commercial building to have separate washrooms for sexes	<u>Building By-law</u> s 3.7. Health Requirements
4.30 capacity requirements for restaurant sanitary facilities	<u>Health Act</u> FP Reg. s 4 re plan check is broadly worded, requires connection to waste disposal system in compliance with government agency with jurisdiction, sufficient water to meet water needs <u>Building By-law</u> s 3.7 Health Requirements are enforced for restaurants. They are enforced by Building staff, plan check by City's development services staff ("dss")
4.31 location of washrooms in restaurants	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.32 doors on washrooms in restaurants	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.33 staff washrooms	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.34 sanitary facilities for restaurant patrons	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.35 washrooms for restaurant staff	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.36 washroom for limited service food establishment	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.37 washrooms for schools	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.38 hand basins in washrooms	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.39 hand basins for food handlers in food establishment	<u>Building By-law</u> s 3.7 Health Requirements plan check by dss
4.40 urinals instead of water closets	<u>Building By-law</u> s 3.7 Health Requirements, plan check by dss
4.41 drinking fountains in schools	<u>Building By-law</u> s 3.7 Health Requirements, plan check by dss

4.42 water closets etc in play schools	<u>Building By-law</u> s 3.7.4.2 (7) Health Requirements, plan check by dss
4.43 places designed for outdoors gatherings with seats, sanitary facilities	<u>Building By-law</u> s 3.7 Health Requirements , plan check by dss
4.44 washrooms in theatres	<u>Building By-law</u> s 3.7 Health Requirements, plan check by dss
4.45 basin and water closet in projection booth	<u>Building By-law</u> s 3.7 Health Requirements, plan check by dss
4.46 sanitary facilities in services stations	<u>Building By-law</u> s 3.7 Health Requirements, plan check by dss

#### Part 5 Pest Control and Pesticides

This part of the by-law deals with pests, fumigants and pesticides. A number of the provisions in this part are found in other City by-laws or in provincial legislation such as the Health Act and the Integrated Pest Management Act ( "IPM") and Regulations. There is an extensive provincial scheme for licensing and regulating the use of pesticides set out in the IPM Act. The provincial scheme applies to public lands and to " multi- residence" buildings and outdoor areas on private property, provided the building on the private land contains at least 4 separate dwelling units. It also applies to commercial businesses which apply these products.

The IPM Act sets out an extensive scheme requiring licences, certificates and notices of pesticide application, appointing inspectors, etc and defines "pesticide" as, inter alia, products defined in the federal Pest Control Products Act (PCP Act) (Canada), which is now repealed. The provincial scheme does not cover "cosmetic pesticide application" ( which appears to mean domestic use by private homeowners in residences with three or fewer dwelling units ).

The provisions in Part 5 apply to all uses of pesticides, including domestic use by private owners. In other words, they overlap with existing provincial legislation.

Council powers to regulate persons who sell or use pesticides or fumigants or engage in the business of fumigating is found in s. 323 (h), which contains no reference to the MHO. In other municipalities, pesticide by -laws are enforced by municipal environmental inspectors, not by provincial health authorities.

When these amendments went to Council in January of 2004, the MHO stated that he "concurs with the proposed wording for a regulatory approach but does not necessarily agree that such an approach is needed at this time. The educational and voluntary compliance route, coupled with the full implementation of federal and provincial initiatives to further reduce the risks from urban pesticide use, should be pursued and evaluated prior to initiating a regulatory approach". When the present provisions were enacted, the City Manager advised Council that additional resources would be required for



enforcement. Although additional resources were provided for public education, no resources were forthcoming for enforcement of this part. Various municipalities, including Vancouver, are involved in public education programs to raise public awareness of the dangers of pesticide use.

All but one of the sections in Part 5 should be repealed as most of this Part belongs in other by-laws or is covered by provincial legislation. The provincial scheme appears to provide adequate control over commercial fumigant use and sections 5.4-5.7 should be repealed for this reason. The one remaining section, section 5.17, is the most important section. It should be redrafted to make it clear that it applies only to pesticide use in circumstances which are not already regulated by the provincial scheme. The remaining pesticide provisions in this section of the new Health By-law could be enforced by City environmental inspectors, should funding become available.

5.1 buildings etc constructed to prevent access by pests	Belongs in the <u>Building By-law</u> or <u>Standards of Maintenance By-law</u> <u>Health Act</u> FP Reg. s 26 operator of food premises to ensure premises free of pests, free of conditions harbouring pests and protected against entrance of pests.
5.2 owners to keep lands, buildings, so as not to afford harbourage for pests	Belongs in <u>Untidy Premises By-law</u> or <u>Standards of Maintenance By-law</u> <u>Health Act</u> FP Reg. s 26 operator of food premises to ensure premises free of pests, free of conditions harbouring pests and protected against entrance of pests.
5.3 lands and buildings to be maintained free of pests	Belongs in <u>Untidy Premises By-law</u> or <u>Standards of Maintenance By-law</u> s 21.10 lodging house to be free of pests <u>Health Act</u> FP Reg. s 26 operator of food premises to ensure premises free of pests, free of conditions harbouring pests and protected against entrance of pests. <u>Health Act</u> contains broad powers to deal with health hazards. The MHO takes the position that pests such as bedbugs and cockroaches do not constitute a "health hazard".
5.4 no fumigant without a permit from MHO	<u>IPM Act</u> sets out a regulatory scheme which provides adequate control of fumigant use and this should be repealed
5.5 no fumigant use without 24 hours notice to MHO, Fire Chief , Chief Constable	<u>IPM Act</u> sets out a regulatory scheme which provides adequate control of fumigant use and this should be repealed
5.6 building to be sealed during fumigant use	<u>IPM Act</u> sets out a regulatory scheme which provides adequate control of fumigant use and this should be repealed

5.7 no fumigating chamber without permit from MHO	<u>IPM Act</u> sets out a regulatory scheme which provides adequate control of fumigant use and this should be repealed
5.8 no pesticide use in multiple dwelling without 72 hour notice in writing to occupants in form described	<u>IPM Act</u> , <u>IPM Reg.</u> s 5(e) (f) requires a provincial license for the management of pests inside and outside multi resident building with at least 4 units, sets out detailed notice requirements in ss 10(1) and 63(1) - form and content of notice, 72 hours notice to occupants This should be repealed
5.9 no pesticide application to public facility without 72 hours public notice, in form described and to remain for 72 hours	<u>IPM Act</u> , <u>IPM Reg.</u> would apply s 5 extensive notice scheme ss 10,12 (exemptions for insect gel, rodenticides) s 63 (form and content of notice) notice 72 hours before this should be repealed
5.10 no pesticide application to public land without 72 hours notice, in form described and to remain for one week	<u>IPM Act</u> , <u>IPM Reg.</u> would apply s 5 extensive notice scheme ss 10,12 (exemptions for insect gel, rodenticides) s 63 (form and content of notice) notice 72 hours before application this should be repealed
5.11 form of notice 5.8	<u>IPM Reg.</u> , s 63 this should be repealed
5.12 form of notice 5.9	<u>IPM Reg.</u> , s 63 this should be repealed
5.13 form of notice 5.10	<u>IPM Reg.</u> , s 63 this should be repealed
5.14 posting of notices in multiple dwellings	<u>IPM Act</u> requires this, this should be repealed
5.15 MHO can shorten notice requirement in emergency	<u>IPM Act</u> s 2 provides that the Lieutenant Governor may declare an emergency and suspend a requirement of the Act, etc <u>IPM Reg.</u> s.11 provides that the MHO may change the notification requirements this should be repealed
5.16 no application of a pesticide in multiple dwelling without applicator certificate pursuant to Pest Control Act	<u>Pest Control Act</u> was repealed in 2004, the reference should now be to the <u>IPM Act</u> <u>IPM Act and Reg.</u> contain an extensive scheme requiring certificates in ss 14, 15, 16,17 This should be repealed
5.17 no use of pesticides in the City except for purposes enumerated	This section should remain in the new <u>Health By-law</u> , but its application to private residences with 3 or less dwelling units should be clarified
5.18 no deposit of food or grain on City land or street except in litter cans	Belongs in <u>Street and Traffic By-law</u> section 84, which prohibits deposit of refuse on City streets and should be amended to include food and grain Belongs also in <u>City Land Regulation By-law</u> , section 3(c), which prohibits deposit of refuse on City lands and should be amended to include food, grain <u>Parks Control By-law</u> section 14(I) applies to City parks,

	prohibits deposit of food, grain
<p><b>Part 6 <u>Smoking Restrictions</u></b></p> <p>This part should be retained in the new by-law, although the Workers Compensation Act and Regulations overlap with the smoking room provisions. The references to the MHO can be removed.</p>	
6.1 prohibitions against smoking in various public places	<u>WCB Occupational Health and Safety Reg.</u> ss 4.81, 4.82, 4.83
6.26.2 no proprietor of business to permit smoking	<u>Licence By-law</u> <u>WCB Occupational Health and Safety Reg.</u> ss 4.81, 4.82, 4.83
6.3 deleted	
6.4 deleted	
6.5 smoking rooms	<u>WCB Occupational Health and Safety Reg.</u> ss 4.81, 4.82, 4.83
6.6 smoking restricted to smoking rooms	<u>WCB Occupational Health and Safety Reg.</u> ss 4.81, 4.82, 4.83
6.7 signs prohibiting smoking	
6.8 signs prohibiting smoking	
6.9 reserved	
6.10 sign requirements	
6.11 prohibition against defacing signs	
<p><b>Part 7 - <u>Marinas</u></b></p> <p>The construction of marinas ought to be regulated by the <u>Building By-law</u></p> <p>New regulations to the <u>Canada Shipping Act (CSA)</u>, the Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals ( the " Prevention of Pollution Regs" ), are scheduled to be enacted in the spring of 2007. These regulations will prohibit the discharge of oil and sewage from all vessels. They will apply to recreational vessels at marinas. There will likely be a five year phase in period. Enforcement of these regulations will be by federal agencies including Transport Canada and Environment Canada. Sections 7.10, 7.12, 7.13 and 7.17 should be repealed as the new federal regulations apply to these matters and the City has no jurisdiction to regulate discharges from boats into the sea.</p>	
7.1 no construction of a marina without the approval of the MHO	This should be in the <u>Building By-law</u> under the jurisdiction of the CBO, the definition of "building " should be changed to include marina.
7.2 marinas to be	This is redundant and should be deleted.

operated in conformance with Health By-law	
7.3 MHO may enter, inspect marinas	The MHO doesn't have this power under the Vancouver Charter and this section should be deleted. The <u>Health Act</u> contains various powers to enact provincial regulations which might impact marinas e.g. entry of boats and landing of passengers to prevent spread of disease, s 16(d), power to inspect and disinfect vessels 16(h) <u>Health Act</u> San Reg. s.8 states that the duties of the provincial sanitary inspector include inspection to keep informed of all nuisances that require abatement, "such inspection to include from time to time all shipping within his district"
7.4 certain sections n/a to marinas existing before Feb 18, 1992, unless a building permit issues for more than 50% of assessed value	This should be in the <u>Building By-Law</u>
7.5 adequate supply of potable water to be available at all marinas	This should be in the <u>Building By-law</u> , Part 7 plumbing or section 3.7.4.1(1) Health Requirements
7.6 moorage spaces for live aboard vessels to have potable water and sewer connections	This should be in the <u>Building By-law</u> 3.7.4.1(1) re potable water, 7.1.4.1 re sewage, sanitary drainage systems
7.7 potable water to have backflow prevention devices	This should be in the <u>Building By-law</u> , Part 7 see also <u>Waterworks By-law</u> s 14 prevention of contamination
7.8 potable water to be conveyed in manner maintains quality of water	This should be in the <u>Building By-law</u> , Part 7, see also <u>Waterworks By-law</u> s 14 prevention of contamination
7.9 no extension of marina water system w/o approval of MHO	This should be in the <u>Building By-law</u> , Part 7 and the reference should be to the CBO, or in the <u>Sewer and Watercourse By-law</u> and the reference should be to the City Engineer.
7.10 no discharge of oil from watercraft moored at marina	This is a matter which is regulated by the federal government - <u>Canada Shipping Act</u> , Prevention of Pollution Regs
7.11 notices posted prohibiting discharge of sewage or oil	This is a matter which could be regulated by the City under the <u>Licence By-law</u> , s 20.1 Marina_Operators

7.12 sewage from a marina only discharged into an approved sanitary sewer	<u>Sewer and Watercourse By-law</u> s. 3.1 requires a connection to the City sewer system <u>Canada Shipping Act</u> , Prevention of Pollution Regs
7.13 no owner or occupier of live -aboard vessel to berth vessel , occupy vessel w/o connecting to approved sewage disposal system	<u>Canada Shipping Act</u> Prevention of Pollution Regs
7.14 marina with >10 moorage spaces to provide pump-out connection for visiting vessels	This should be in the <u>Building By-law</u> Part 7, 7.1.4.1 and s 3.7 Health Requirements <u>Sewer and Watercourse By-law</u> , s 3.1 <u>Canada Shipping Act</u> , Prevention of Pollution Regs
7.15 pump out to discharge into sanitary sewer	This should be in the <u>Building By-law</u> Part 7, 7.1.4.1 <u>Sewer and Watercourse By-law</u> s 3.1 <u>Canada Shipping Act</u> , Prevention of Pollution Regs
7.16 location of sewer pipes at no time to be submerged in water	This should be in the <u>Building By-law</u> Part 7, 7.1.4.1
7.17 no discharge of garbage from watercraft moored at marina	<u>Canada Shipping Act</u> , Prevention of Pollution Regs
7.18 garbage disposal garbage management requirements for marinas	This should be regulated under the <u>Licence By-law</u> and the <u>Solid Waste By-law</u> There is also provincial legislation which might apply <u>Health Act</u> San Reg. s.8 states that the duties of the provincial sanitary inspector include (b) by inspection to keep informed of all nuisances that require abatement, "such inspection to include from time to time all shipping within his district" <u>Health Act</u> San Reg. s.9 no refuse, manure or filth of any kind etc to be deposited into any "harbour "
7.19 standards for marina walkways, lighting, phones, life rings etc	These matter can be regulated through the <u>Building By-law</u> and the <u>License By-law</u>
7.20 MHO may relax requirements of 7.19 if satisfied public safety protected	This should be in the <u>Building By-law</u> equivalencies this reference should be to the CBO

7.21 requirements re location and availability of separate sanitation facilities at marinas	This should be in the <u>Building By-law</u> Part 7 Plumbing and the <u>License By-law</u>
7.22 number of sanitation facilities required at marinas	This should be in the <u>Building By-law</u> Part 7 Plumbing and the <u>License By-law</u>
7.23 requirements for showers at marinas	This should be in the <u>Building By-law</u> Part 7 Plumbing and the <u>License By-law</u>
7.24 sanitary facilities at marinas to have soap, etc	This should be in the <u>License by-law</u>
7.25 laundry room facilities required at marina, MHO may exempt if laundry nearby	This should be in the <u>Building By-law/License by-law</u>
7.26 sanitary facilities to be kept clean , in good repair	This should be in the <u>License</u> or <u>Standards of Maintenance by-law</u>
<p><b>Part 8 <u>Miscellaneous</u></b></p> <p>This provision can be repealed and moved to the <u>License By-law</u></p>	
8.1 signage to be posted in licensed establishments warning about Fetal Alcohol Syndrome	This provision can be repealed. There does not appear to be any applicable provincial legislation. This was enacted in 1991, at the request of Council who directed the MHO to report on the issue. As that report indicated, this provision could have been enacted under licensing or health, and could be moved to the <u>License By-law</u> .
<p><b>Part 9 Enforcement and Penalties - Sections 9.1 and 9.2 should be repealed.</b></p>	
9.1 MHO may give notice of violation	There is no legal reason for this section.
9.2 failure to comply with notice from MHO	There is no legal reason for this section.
9.3 charging section	
9.4 fines	
9.5 fines	
9.6 fines	
9.7 repealed	
9.8 in force	

APPENDIX F

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Solid Waste By-law No. 8417  
regarding commercial solid waste containers,  
requirement for locked containers, and  
modernization of enforcement provisions**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law repeals the indicated provisions of, and adds provisions to, the Solid Waste By-law.
2. Council repeals section 9.1, and substitutes:

**"9.1 Private Containers**

Every owner or occupier of real property who has entered into a contract with a licensed contractor for the removal of solid waste must

- (1) only use containers supplied or specified by the contractor;
- (2) display, and keep displayed, prominently on any container on, or visible from, a street or lane the address or addresses, in letters and numbers at least five centimeters high, of the property the container serves;
- (3) if the container is situate on a street or lane:
  - (a) maintain the container and area adjacent to the container in a condition that is:
    - (i) clean and sanitary, and
    - (ii) not noxious or offensive or dangerous to the public health; and
  - (b) ensure frequent enough emptying of the container that its contents do not overflow onto the ground or otherwise cause a nuisance; and

- (4) keep each commercial-size container locked except if a person is putting solid waste into the container or if the container is less than one cubic yard in volume and not visible from a street.

## 9.2 Remedies for non-compliance with section 9.1(3)

If an owner or occupier of real property fails to comply with an order of the City Engineer or an inspector or other employee of the city regarding a default under section 9.1(3), within the time stipulated in the order or, if the order does not stipulate a time within 48 hours after receipt of the order, then the city, by its workers or others, may remedy the default and may remove the container from the street, all at the cost of the person so defaulting."

- 3. Council repeals sections 11.1 and 11.2, and substitutes:

### "11.1 Requirement to discontinue or carry out work

Council empowers any inspector or other employee of the city to order or direct any person to:

- (a) discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law; and
- (b) carry out any work or do anything required by this By-law or any permit;

and failure on the part of such person to comply with such order or direction within the time specified in such order or direction is a violation of this By-law.

### 11.2 Service of notice

An inspector or official of the city, or a by-law enforcement officer, may serve an order, direction, or notice under this By-law:

- (a) by mailing it by registered post to the owner or occupier of the applicable real property at the address shown on the assessment roll;
- (b) by mailing it by registered post to the address of the user shown on the container as required by section 9.1(2);
- (c) by handing it to a person at the address of the user shown on the container as required by section 9.1(2); or
- (d) if a container is situate on a street or lane, by posting the notice on the container.



**11.3 Offence under By-law**

A person who:

- (a) contravenes any provision of this By-law, or does any act or thing which contravenes any provision of this By-law, or suffers or allows any other person to do any act or thing which contravenes any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 11.

**11.4 Fine for offence**

Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$50.00 and not more than \$2,000.00 for each offence.

**11.5 Fine for continuing offence**

Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues."

4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BY-LAW NO. \_\_\_\_\_

A By-law to amend Street and Traffic By-law No. 2849  
regarding littering on streets

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In the Street and Traffic By-law, immediately before section 81, Council strikes out the title,

**“REGULATING ADVERTISING DEVICES”**

and substitutes:

**“REGULATING ADVERTISING DEVICES AND PROHIBITION AGAINST LITTERING” .**

2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk