



## GOVERNMENT SERVICES COMMITTEE

MONDAY, SEPTEMBER 20, 2010  
5:30 P.M.

COUNCIL CHAMBERS, CITY HALL  
410 ESPLANADE

*Mandate – To advise Council on a broad spectrum of issues related to departmental matters*

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MAYOR ROB HUTCHINS, CHAIR

Page

1. CALL TO ORDER
2. AGENDA APPROVAL
3. MINUTES 1 - 3
  - 3.1. August 16, 2010
4. DELEGATIONS
  - 4.1. Cowichan Valley Regional District Environment Commission  
Bruce Fraser, Chris Wood  
*Presentation – State of the Environment Report*
5. REPORTS
  - 5.1. Civic Green Building Policy 4 - 9
  - 5.2. Fire Chief's Report – August 2010 10
  - 5.3. Building Inspector's Report – August 2010 11
  - 5.4. Trolley Report – August 2010 12
  - 5.5. Coastal Animal Control Services – August 2010 Pound Report 13 - 14
6. MEMBER SUBMISSIONS

**7. CORRESPONDENCE**

- 7.1. Mayor Phil Kent, City of Duncan**  
City of Duncan Public Health Smoking Bylaw

Staff Recommendation:

That Council consider if it wishes to adopt a similar bylaw or one that would encompass the Tobacco Control Requirements currently enforced by the Vancouver Island Health Authority, and that Council consider if it wishes to provide comments to the City of Duncan

**8. NEW BUSINESS**

**9. UNFINISHED BUSINESS**

**10. ADJOURNMENT**



LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A REGULAR SESSION OF  
THE GOVERNMENT SERVICES COMMITTEE  
MONDAY, AUGUST 16, 2010 – 6:00 P.M.

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**PRESENT:**

Councillor Duck Paterson (Chair)  
Councillor Jillian Dashwood

Councillor Steve Arnett  
Councillor Lori Evans

Councillor Scott Bastian  
Councillor Bruce Whittington

**ABSENT:**

Mayor Rob Hutchins

**STAFF PRESENT:**

Ruth Malli  
Joanna Winter

Pat Durban

Sandy Bowden

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**CALL TO ORDER**

Councillor Paterson called the meeting to order at 6:00 p.m.

**AGENDA APPROVAL**

2010-063

It was moved, seconded and carried that the agenda be adopted as circulated.

**MINUTES**

2010-064

It was moved, seconded and carried that the Government Services Committee minutes of July 19, 2010 be adopted as circulated.

**DELEGATION**

Staff Sergeant Roger Plamondon, Ladysmith Detachment, Royal Canadian Mounted Police

S/Sgt Plamondon reviewed the detachment's progress report and discussed local crime statistics and related issues with the Committee.

Chairman Paterson thanked S/Sgt. Plamondon for meeting with the Committee and asked that Council's appreciation be extended to the members of the detachment for their service.

2010-065

It was moved, seconded and carried that the Royal Canadian Mounted Police Ladysmith Detachment Progress Report for April to

June 2010 be accepted.

**Trolley Advertising Program**

2010-066

It was moved, seconded and carried that the Committee recommend to Council that:

- a) Staff be directed to implement the Trolley Advertising program as proposed
- b) Advertising at Trolley stops be referred to the Heritage Revitalization Advisory Commission for input; and
- c) Staff be directed to review the Sign and Canopy Bylaw and propose amendments, if required, to accommodate the placement of advertising signage at trolley stops

**Fire Chief's Report – July 2010**

2010-067

It was moved, seconded and carried that the Fire Chief's Report for June 2010 be received.

**Building Inspector's Report – July 2010**

2010-068

It was moved, seconded and carried that the Building Inspector's Report for June 2010 be accepted.

**Trolley Report – July 2010**

2010-069

It was moved, seconded and carried that the Trolley Report for July 2010 be accepted.

**Coastal Animal Control Services – July 2010 Pound Report**

2010-070

It was moved, seconded and carried that the report from Coastal Animal Control Services for June 2010 be received.

**MEMBER SUBMISSIONS**

**Councillor Evans – Canada Census Long Form**

2010-071

It was moved, seconded and carried that it be recommended to Council that a letter be written to the Minister responsible for Census Canada requesting that the mandatory long census form be reinstated for the 2011 census.

**CORRESPONDENCE**

**Peter and Cathy Barter, Top Drawer Ladies Consignment Boutique  
Sandwich Boards**

2010-072

It was moved, seconded and carried that the Committee recommend to Council that the issues raised in the correspondence from Peter and Cathy Barter dated August 6,

2010 regarding sandwich board signs be referred to staff for review and recommendation.

**QUESTION PERIOD**

**ADJOURNMENT**

2010-073

It was moved, seconded and carried that the meeting be adjourned at 6:33 p.m.

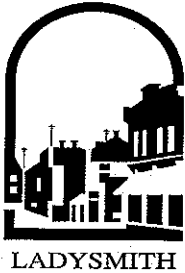
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Chair (Councillor D. Paterson)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Chris Trumpy, Manager – Special Projects  
Date: September 13, 2010  
File No:

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Re: Civic Green Building Policy

RECOMMENDATION(S):

That staff be directed to prepare a Civic Green Building Policy that:

1. Adopts the LEED Canada Building Rating System as the rating system by which to assess building performance;
2. Establishes the LEED Silver level of building performance as the minimum acceptable building standard for all newly constructed civic buildings greater than 465 sq. m. (5,000 sq. ft) and incorporates sustainable building practices into all projects that are less than this threshold;
3. Incorporates sustainable building practices into all renovation and/or upgrade projects for all facilities that are developed, owned or managed by the Town.

PURPOSE:

The purpose of this report is to recommend to Council the adoption of a Leadership in Energy and Environmental Design (LEED) construction rating system as a means to encourage sustainable high performance construction practices for Town owned buildings and building construction projects. This policy would require that all civic buildings that are owned, constructed, financed or utilized by the Town of Ladysmith be constructed to performance standards comparable to that of LEED standards and all buildings that are under this threshold (including renovations and/or retrofits to existing buildings) incorporate sustainable building practices.

INTRODUCTION/BACKGROUND:

In 2008, Council and the community participated in the Community Sustainability Visioning Initiative. Council endorsed the award-winning final report which provides overall direction for taking action on sustainable development. In addition, energy reduction targets, initiatives and actions have been established for the community under the guidance of the Environment Commission as part of the Community Energy Plan (Energy Plan) adopted by Council in 2008.

Given the Town of Ladysmith's ongoing commitment to the reduction of green house gas emissions (GHGs), and continuing support of the principles of sustainability, it is important that the Town reinforce this commitment through the adoption of a leadership position that sets an example in the encouragement of the

use of high performance building standards in the management and construction of its building infrastructure.

The Energy Plan outlines that approximately 20% of Ladysmith's GHG emissions came from buildings. Furthermore, approximately 51% (209 tonnes of GHGs) of total municipal (corporate) emissions come from buildings. With the intent of becoming carbon neutral by 2012 (as per the Climate Action Charter) it will be important to improve the energy and efficiency performance of existing as well as new buildings.

#### LEED Building Rating Systems:

The LEED building rating system was developed by the US Green Building Council to provide building performance rating levels. This rating system was adapted by the Canadian Green Building Council in 2002 to reflect Canadian environmental conditions. Under the LEED rating system, a project or building earns a series of credits for various building attributes that provide for of sustainable building performance (see Appendix 1). The LEED design process results in an environmentally sustainable building that provides significant long term benefits in reduced operational costs, as well as a reduced environmental impact and longer capital life expectancy.

Current studies indicate that a typical additional capital investment of two percent in construction costs to incorporate LEED features will yield overall lifecycle cost savings of approximately ten times the initial capital investment, through the reduction of energy expenditures, and operational maintenance savings, as well as potential employee productivity improvements. For example, an initial upfront investment of up to \$100,000 to incorporate green building features into a \$5 million project would result in a savings of \$1 million in today's dollars over the life of the building.

Environmentally sustainable building practices are being more and more implemented by the construction industry and as a result the incremental costs of 'building green' have come down substantially to the point where the level of LEED Silver has in effect become the building norm for sustainable construction practices.

#### SCOPE OF WORK:

It is recommended that LEED Silver be adopted as recommended in this staff report.

#### ALTERNATIVES:

Council could choose not to adopt a formal policy (such as the use of an environmental rating system like LEED) and instead strive to incorporate sustainable building principles into civic projects.

#### FINANCIAL IMPLICATIONS:

The cost implications of this recommendation will vary on a project by project basis. However the adoption of a LEED Silver construction standard on civic projects can be justified in terms of financial payback, given the operational cost savings and other benefits achieved.

The recommendation contained in this report discusses only the aspect of complying with the LEED certification. An additional step that may be considered is the actual certification of the work/building by an external consultant. As this process may be onerous and will lead to the projects accreditation, it is suggested that this accreditation process be considered on a project by project basis. The current Ladysmith Community Services Building project is seeking full accreditation (Silver) under the LEED program.

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Being green is a way of life for the Town of Ladysmith. Council established a Strategic Plan in 2004 to guide its own actions towards sustainability. Strategic directions for the Town include effective land use planning and community design, responsible stewardship of the environment, dynamic economic development and a safe and healthy community.

In 2008, Council undertook a Sustainability Visioning Initiative to ensure that future development meets the standards of sustainability as defined by the citizens of Ladysmith themselves. The report has been accepted by Council as a vision from our community. Council also commissioned and adopted a Community Energy Plan in 2008, which lays out 31 actions for implementation in order to reduce greenhouse gas emissions in the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Civic Green Building Policy has been referred to interdepartmental meetings for consultation and discussion.

RESOURCE IMPLICATIONS:

Implementing the proposed scope of work is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Action 26 of the Energy Plan identified reducing energy use in existing municipal buildings and Action 27 to build all new municipal buildings with 25% better energy performance than the Model National Energy Code.

SUMMARY:

It is recommended that Council support the proposal to adopt the Civic Green Building Policy.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

LEED Canada Project Checklist





# LEED Canada-NC 1.0 Project Checklist

Project Name

City, Province

Yes ? No

			<b>Sustainable Sites</b>	<b>14</b> Points
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<b>Y</b>			Prereq 1 <b>Erosion &amp; Sedimentation Control</b>	Required
			Credit 1 <b>Site Selection</b>	1
			Credit 2 <b>Development Density</b>	1
			Credit 3 <b>Redevelopment of Contaminated Site</b>	1
			Credit 4.1 <b>Alternative Transportation, Public Transportation Access</b>	1
			Credit 4.2 <b>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</b>	1
			Credit 4.3 <b>Alternative Transportation, Alternative Fuel Vehicles</b>	1
			Credit 4.4 <b>Alternative Transportation, Parking Capacity</b>	1
			Credit 5.1 <b>Reduced Site Disturbance, Protect or Restore Open Space</b>	1
			Credit 5.2 <b>Reduced Site Disturbance, Development Footprint</b>	1
			Credit 6.1 <b>Stormwater Management, Rate and Quantity</b>	1
			Credit 6.2 <b>Stormwater Management, Treatment</b>	1
			Credit 7.1 <b>Heat Island Effect, Non-Roof</b>	1
			Credit 7.2 <b>Heat Island Effect, Roof</b>	1
			Credit 8 <b>Light Pollution Reduction</b>	1

Yes ? No

			<b>Water Efficiency</b>	<b>5</b> Points
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			Credit 1.1 <b>Water Efficient Landscaping, Reduce by 50%</b>	1
			Credit 1.2 <b>Water Efficient Landscaping, No Potable Use or No Irrigation</b>	1
			Credit 2 <b>Innovative Wastewater Technologies</b>	1
			Credit 3.1 <b>Water Use Reduction, 20% Reduction</b>	1
			Credit 3.2 <b>Water Use Reduction, 30% Reduction</b>	1

Yes ? No

			<b>Energy &amp; Atmosphere</b>	<b>17</b> Points
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<b>Y</b>			Prereq 1 <b>Fundamental Building Systems Commissioning</b>	Required
<b>Y</b>			Prereq 2 <b>Minimum Energy Performance</b>	Required
<b>Y</b>			Prereq 3 <b>CFC Reduction in HVAC&amp;R Equipment</b>	Required
			Credit 1 <b>Optimize Energy Performance</b>	1 to 10




Yes ? No

Credit 5	<b>Indoor Chemical &amp; Pollutant Source Control</b>	1
Credit 6.1	<b>Controllability of Systems: Perimeter Spaces</b>	1
Credit 6.2	<b>Controllability of Systems: Non-Perimeter Spaces</b>	1
Credit 7.1	<b>Thermal Comfort: Compliance</b>	1
Credit 7.2	<b>Thermal Comfort: Monitoring</b>	1
Credit 8.1	<b>Daylight &amp; Views: Daylight 75% of Spaces</b>	1
Credit 8.2	<b>Daylight &amp; Views: Views 90% of Spaces</b>	1

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**Innovation & Design Process**

**5 Points**


Yes ? No

Credit 1.1	<b>Innovation in Design</b>	1
Credit 1.2	<b>Innovation in Design</b>	1
Credit 1.3	<b>Innovation in Design</b>	1
Credit 1.4	<b>Innovation in Design</b>	1
Credit 2	<b>LEED® Accredited Professional</b>	1

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**Project Totals (pre-certification estimates)**

**70 Points**

Certified 26-32 points Silver 33-38 points Gold 39-51 points Platinum 52-70 points



# Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
 Phone: 250-245-6436 • Fax: 250-245-0917



## FIRE CHIEF'S REPORT

MONTH: **August**, 2010

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YEAR'S TOTALS
Alarms Activated: Pulled Station			1			1							2
By mistake	1	1		2	2	1	2	1					10
Electrical problem						2							2
Due to cooking		2		2		2	1	4					11
Assistance					1								1
Burning Complaint		1			3	1	2	2					9
Fire: Structure	1			1	1	2	4						9
Chimney				2									2
Interface / Bush					2								2
Vehicle		1			1								2
Other	1					2	2						5
Hazardous Materials		1		1		1		1					4
Hydro Lines: Down / Fire			1	1									2
Medical Aid			4	2	1	2	2	1					12
Mutual Aid	2	1		1		2							6
MVI		5	5	5	6	2	3	4					30
Rescue													
<b>MONTH TOTALS (not incl. Practises)</b>	<b>5</b>	<b>12</b>	<b>11</b>	<b>17</b>	<b>17</b>	<b>18</b>	<b>16</b>	<b>13</b>					<b>109</b>
Practises (Totals for each Month)	4	4	5	4	4	5	4	5					35

**ALARMS ACTIVATED (location/owner):**

- 920-3<sup>rd</sup> Ave. , pot left on stove
- 1111-4<sup>th</sup> Ave, Ladysmith Health Care Centre, testing alarm system did not notify alarm monitoring company.
- 333 High St. Alarm set off due to cooking
- 293 Gill Rd. Smoke alarm set off due to cooking. Home owner fell asleep.
- 631-1<sup>st</sup> Ave Realto Apt. Smoke alarm activated due to burning toast.

**COMPARISONS:**

Year to Date / 10 109 (excl. practises)  
 Year to Date / 09 102 (excl. practises)  
 Year to Date / 08 123 (excl. practises)

**APPROVED:**

*Ray Delcourt*  
 Fire Chief

TOWN OF LADYSMITH  
 BUILDING PERMIT  
 SUMMARY REPORT  
 MONTH: JUNE 2010

Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos / Demos	Permits with construction value	Permits without construction value	Permits For Year To Date	Bldg & P/bldg Permit Fees This Month	Permit Values This Month	Permit Value Year
\$ -		\$ 2,478,000	\$ 524,076	3	\$ 41,040	3	8	90	\$ 17,904	\$ 3,043,116	\$ 11,984

SUMMARY - YEAR TO DATE

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
\$	0	15,000	125,000	0	0	0	0	0	0	0	0	0	140,000
# of Demolitions for month =	0	3	2	0	0	0	0	0	0	0	0	0	5
for YTD =	0	0	0	0	0	0	0	0	0	0	0	0	0
\$	0	985,000	985,000	0	247,000	5,000	2,478,000	0	0	0	0	0	3,715,000
(New) Residential	0	1	0	0	2	1	2	0	0	0	0	0	6
\$	766,498	542,420	2,559,484	1,363,888	1,430,326	637,416	524,076	0	0	0	0	0	7,824,108
# Dwelling Units	5	3	10	7	9	4	3	0	0	0	0	0	41
Residential Adds / Renos / Demos	5	4	13	10	9	4	3	0	0	0	0	0	48
\$	13,450	9,000	45,000	42,580	84,562	70,000	41,040	0	0	0	0	0	305,632
Permits with construction value	7	11	13	12	15	7	8	0	0	0	0	0	73
Permits without construction value	8	0	1	3	1	1	3	0	0	0	0	0	17
Permits For Year To Date	15	26	40	55	71	79	90	0	0	0	0	0	90
Bldg & P/bldg Permit Fees This Month	\$ 6,425	\$ 10,011	\$ 19,111	\$ 14,483	\$ 11,869	\$ 4,489	\$ 17,904	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 81,292
Permit Values This Month	\$ 779,948	\$ 1,551,420	\$ 2,729,484	\$ 1,406,468	\$ 1,761,888	\$ 712,416	\$ 3,043,116	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,984,740
Permit Value Year	\$ 779	\$ 2,331	\$ 5,080	\$ 6,467	\$ 8,225	\$ 8,941	\$ 11,984	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

COMPARISONS

# DWELLING UNITS / VALUE	YEAR TO DATE / 10	YEAR TO DATE / 09	YEAR TO DATE / 08
48	\$ 7,824,108	21	\$ 2,947,149
48	\$ 5,860,000	48	\$ 5,860,000

*[Handwritten Signature]*

PERMITS ISSUED / VALUE

YEAR TO DATE / 10	YEAR TO DATE / 09	YEAR TO DATE / 08
90	74	92
\$ 11,971,111	\$ 7,762,000	\$ 8,156,000

# TOWN OF LADYSMITH

## LADYSMITH TROLLEY BUS ACTIVITY REPORT - Trolley 103/105

August, 2010

Day	Date	Passenger Count	Fuel Litres	KM Start	KM Finish	Weather	Wheel Chairs	Service Dogs	Bikes
Sun	1								
Mon	2	STAT							
Tues	3	104	93	73857	74060	Sun	0	0	0
Wed	4	72	38	57558	57693	Sun	0	0	1
Thurs	5	61	82	57693	57904	Sun	0	0	4
Fri	6	73	74	57904	58119	Sun	1	1	5
Sat	7	65	74	58119	58333	Rain	0	0	3
Sun	8								
Mon	9	105	72	58333	58549	Rain/Cloud	0	1	0
Tues	10	72	98	58549	58766	Cloud	0	1	1
Wed	11	92	34	58776	58983	Sun	0	1	1
Thurs	12	70	110	58983	59194	Sun	3	1	3
Fri	13	71	69	59194	59407	Sun	0	1	0
Sat	14	74	79	59407	59620	Sun	1	0	1
Sun	15								
Mon	16	79	86	59626	59840	Sun	0	1	3
Tues	17	103	77	59840	60055	Sun	0	1	5
Wed	18	71	76	60055	60265	Sun	0	1	0
Thurs	19	82	78	60265	60478	Sun	0	0	2
Fri	20	77	67	60478	60694	Cloud	0	1	0
Sat	21	83	75	60694	60914	Sun/Cloud	2	0	0
Sun	22								
Mon	23	74	71	60914	61129	Sun/Cloud	0	1	2
Tues	24	63	74	61129	61343	Sun	0	1	4
Wed	25	91	82	61343	61557	Cloud	0	1	1
Thurs	26	95	71	61557	61770	Cloud	0	1	2
Fri	27	81	133	74147	74354	Sun/Cloud	0	1	1
Sat	28	73	80	61798	62008	Sun	5	0	3
Sun	29								
Mon	30	83	71	62017	62229	Sun	1	1	2
Tues	31	69	77	62230	62448	Rain	1	1	2
<b>TOTAL</b>		<b>1983</b>	<b>1941</b>				<b>14</b>	<b>17</b>	<b>46</b>

DONATIONS FOR AUGUST 2010 \$935.33

DONATIONS YEAR-TO-DATE \$5,351.68

AVERAGE DAILY RIDER COUNT FOR AUGUST 2010 - 79

**COASTAL ANIMAL CONTROL SERVICES OF BC LTD**

2202 Herd Rd. Duncan, BC. V9L 6A6

(250) 748-3395

RECEIVED  
SEP 10 2010**TOWN OF LADYSMITH POUND REPORT  
AUGUST 2010**

<b>Disposition of Impounded Dogs</b>	<b>Current Month</b>	<b>2010 Totals</b>	
Stray dogs impounded	4	13	
Stray dogs claimed	4	13	
Stray dogs put up for adoption	0	0	
Stray dogs euthanized	0	0	
Stray livestock / cats	0	0	
Other	0	1	
<b>Calls Received and Investigated</b>	<b>15</b>	<b>60</b>	
Aggressive dogs	3	8	
Dogs at large	6	28	
Noise (barking) complaints	4	15	
Other non specific dog related calls	1	8	
Wildlife / livestock / cats	1	1	
<b>After hour call outs</b>	<b>1</b>	<b>8</b>	
<b>Monthly Pound and Board Fees Collected</b>	<b>\$325.00</b>	<b>\$1120.00</b>	
Impound fees	\$350.00	\$1100.00	
Daily board fees	\$95.00	\$570.00	
<b>Tickets issued</b>	<b>0</b>	<b>0</b>	
Unlicenced dog	\$0	\$0	
Dog at large	\$0	\$0	
Dangerous dog at large	\$0	\$0	
Habitually noisy	\$0	\$0	
<b>Licencing Statistics</b>	Tags	2	14
	Revenue	\$60.00	\$430.00

Judi Burnett

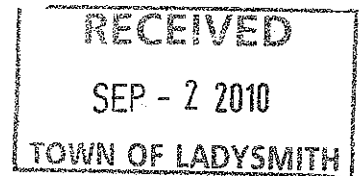
# CAS Summary of Service Calls, Ladysmith

15 calls in total

01-Aug-10 to 31-Aug-10

Issue	Call #	Received	Type	Completed
<b>Aggressive</b>		<b>3</b>		
	798	30-Aug-10	Dog	
	797	27-Aug-10	Dog	
	792	21-Aug-10	Dog	23-Aug-10
<b>At large</b>		<b>4</b>		
	793	23-Aug-10	Dog	25-Aug-10
	790	19-Aug-10	Dog	31-Aug-10
	787	11-Aug-10	Dog	31-Aug-10
	784	03-Aug-10	Dog	04-Aug-10
<b>Cats/Wildlife/Livestock</b>		<b>1</b>		
	796	27-Aug-10	Wildlife	27-Aug-10
<b>Confined</b>		<b>2</b>		
	795	23-Aug-10	Dog	24-Aug-10
	786	06-Aug-10	Dog	06-Aug-10
<b>Noisy</b>		<b>4</b>		
	791	19-Aug-10	Dog	31-Aug-10
	789	18-Aug-10	Dog	31-Aug-10
	788	13-Aug-10	Dog	31-Aug-10
	785	05-Aug-10	Dog	23-Aug-10
<b>Other</b>		<b>1</b>		
	794	23-Aug-10	Dog	28-Aug-10





## CITY OF DUNCAN

August 27, 2010

Mayor & Council  
Town of Ladysmith  
PO Box 220  
Ladysmith BC  
V9G 1A2

Dear Mayor Hutchins and Councillors:

**Re: City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010**

The City of Duncan recently gave two (2) readings to the attached "Public Health Smoking Protection Bylaw No. 2084". Before proceeding further, City Council would like the Town of Ladysmith and neighbouring jurisdictions in the Cowichan Valley to consider adopting a similar Bylaw, or at the very least, a Bylaw that would encompass the requirements under the Tobacco Control Act which are currently enforced by the Vancouver Island Health Authority (VIHA).

Council's comments on the City's proposed Bylaw would also be appreciated. The Request for Decision and the Bylaw are enclosed for easy reference.

Please contact me or Lynn Ketch, Director of Corporate Services, at 250-746-6126 for further information.

Thank you.

Sincerely

Phil Kent  
Mayor

# Request for Decision



Date: April 27, 2010  
To: Mayor and Council – May 3, 2010 COW  
From: Lynn Ketch, Director of Corporate Services  
Re: Public Health Smoking Protection Bylaw

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## RECOMMENDATION:

That the following resolution be forwarded to Council for consideration:

That "City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010 – Draft 1" be presented to the Chamber of Commerce and the Duncan Business Improvement Area Society (DBIAS) for comment;

And That a Notice be placed in the newspaper and on the City's website encouraging feedback from residents of the City, visitors, parks users and all other interested parties prior to considering the Bylaw.

## REPORT/DOCUMENT:

- City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010 – Draft 1
- April 28, 2010 letter from Vancouver Island Health Authority (VIHA)
- April 26, 2010 letter from the Canadian Cancer Society
- February 10, 2010 letter from The Lung Association
- February 16, 2010 letter from the Heart & Stroke Foundation of BC & Yukon
- HealthLinkBC – The Harmful Effects of Second-hand Smoke
- Toronto Smoking Ban – excerpt from the Calgary Herald April 13, 2010 – results show a significant decrease in cardio respiratory issues since total ban implemented in 1999
- List of other municipalities currently enforcing a similar Bylaw:
- Health Canada encouraging people to work with municipal government partners to make communities healthier and smoke-free
- Sample Bylaws similar to the one being proposed for Duncan (North Vancouver – 2010; Village of Pemberton – 2009; Port Moody – 2008; Surrey – 2008; White Rock – 2008; Whistler – 2008)
- Sample sign

## KEY ISSUES AND BACKGROUND:

The following resolution was adopted by City Council at the February 1, 2010 Committee of the Whole meeting:

*That the Committee of the Whole request the Director of Corporate Services to draft a Smoking Regulation Bylaw for City-Owned or Operated Parks, Gazebos, Bus Shelters, the Downtown Core, including Roads, Sidewalks, City Square and Stage, Planters and Boulevards."*

In doing further research of Bylaws of this nature in place for other BC municipalities, I noted that if the distance used for the prohibited area was 7.5 metres, it would cover the area from one side of the street, including the sidewalks, to the other side of the street, reducing the need for the downtown core to be a specified area.

Draft 1 is modeled after the City of White Rock and allows for warning notices for property owners or occupiers who do not comply with signage or prohibit patrons from smoking on their premises.

There is a great deal of literature on the internet of studies done showing that reducing second-hand smoke will reduce the incidence of lung cancer, breast cancer and heart disease in non-smoking adults, low birth weight, sudden infant death syndrome, childhood cancers, asthma and respiratory problems in children.

Adoption of this Bylaw would reduce loitering in the downtown core and parks and would also eliminate the discarded cigarette butts from the downtown sidewalks and planters. Reduced littering of these butts in the planters also reduces the City's manpower needed to remove them each week which would free up the Public Works crew for other projects. It would also give a more aesthetically pleasing look to the downtown core.

### **FINANCIAL**

None - With the purchase of the new handheld for parking enforcement, there will be a shift in work assignments for one of the Commissionaires, freeing up approximately 1.5 hours per day to educate the public about the new public health smoking regulations in the City. He will also be doing a walk-through of Centennial Park during those hours; once in the morning and once in the afternoon. The Commissionaire overseeing Memorial and Station Street Parks will also be able to educate those persons he is in contact with each day.

### **STRATEGIC PLAN**

N/A

### **POLICY**

N/A


### **COMMUNICATION**

If the proposed Bylaw were to proceed, a Press Release would be drafted for Council's consideration and a two-month warning period would be implemented by the City Commissionaires and the consultation process with the DBIAS, Chamber of Commerce and the public in general.

### **Response Options**

1. Approve the recommendation
2. Not approve the recommendation
3. Approve the recommendation with amendments

  
\_\_\_\_\_  
Lynn Ketch  
Director of Corporate Services

  
\_\_\_\_\_  
Tom Ireland  
CAO

**THE CORPORATION OF THE CITY OF DUNCAN**  
**BYLAW NO. 2084, 2010**

Being a Bylaw to regulate and prohibit smoking in certain areas of the City

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**WHEREAS** it has been determined that second-hand tobacco smoke is a health hazard and nuisance for many residents and visitors in the City of Duncan;

**AND WHEREAS** it is desirable for the protection, promotion and preservation of the health of the residents of the City of Duncan for Council to regulate and prohibit smoking in certain areas of the City;

**AND WHEREAS** the City of Duncan has satisfied the preconditions to adopting this Bylaw set out in the *Public Health Bylaws Regulation, B.C. Reg. 42/2004*;

**NOW THEREFORE**, the Council of the Corporation of the City of Duncan enacts as follows:

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## SECTION 1 INTERPRETATION

### Title

- 1.1 This Bylaw may be cited as "Public Health Smoking Protection Bylaw No. 2084, 2010".

### Definitions

- 1.2 For the purposes of this Bylaw:

"building" or "structure" means any structure used or intended for supporting or sheltering any use of occupancy.

"Building Official" as appointed by the City of Duncan.

"bus shelter" means a building or other structure located on City property and constructed near a bus stop to provide seating and/or protection from the weather for the convenience of waiting passengers.

"business" means the carrying on of a commercial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

"Bylaw Enforcement/Compliance Officer" means any Peace Officer or other person designated by City Council.

"City" means The Corporation of The City of Duncan.

"common public area" means an area in a building generally available for common use by the public or by a building's occupants and visitors, including, without restricting the generality of the foregoing, hallways, lobbies, stairways, elevators, restrooms, laundry rooms, amenity areas, cloakrooms, or food services establishments.

"Council" shall mean the Council of The Corporation of the City of Duncan.

"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 the 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.

"owner" includes the registered owner or purchaser under an agreement for sale, mortgagee in possession, agent, tenant, and any person in charge or control of a building, premises, land or vehicle.

"post" means the act of keeping continuously on display.

"Peace Officer" means any person defined as a Peace Officer by the Interpretation Act R.S.B.C. 1996, Chap. 238 and includes a Bylaw Enforcement/Compliance Officer appointed by Council.

"Person" shall mean and include persons of either sex, association, partnerships, corporations, whether acting by himself or herself or by a servant, agent or employee.

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

"Public Facility" includes, but is not limited to, any outdoor gathering place owned or operated by the City of Duncan, including parks, sports fields, playgrounds and land or buildings owned, operated or leased from the City of Duncan.

"public transportation" means school bus, public bus or other form of public transportation and includes, without limiting the generality of the foregoing, taxicabs, limousines, or vehicles for hire, but does not include rentals of personal vehicles for private use.

"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) business or other use which occupies premises, including a customer service area;
- (c) common public areas;
- (d) a reception area; or
- (e) a vehicle for hire.

"Smoke" or "Smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance, but does not include the carrying of lighted incense, smoking by actors as part of a stage or theatrical performance or as part of a traditional aboriginal cultural activity.

## Table of Contents

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

### **Severability**

- 1.4 A decision by a court of competent jurisdiction that any part of this Bylaw is illegal, void or unenforceable severs that part from this Bylaw and is not to affect the balance of this Bylaw.

### **Enforcement**

- 1.5 The Bylaw Enforcement/Compliance Officers or the Building Official of the City of Duncan shall be responsible for administration of this Bylaw.

### **Duty of Administration**

- 1.6 The intent of this Bylaw is to set standards in the general public interest, and not to impose a duty on the City, its employees, Building Official or Bylaw Enforcement/Compliance Officers 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 to give 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 Bylaw and the issuance thereof in error is not to give rise to a cause of action.

## **SECTION 2 HEALTH REGULATIONS**

### **Ban on Smoking**

- 2.1 No person shall smoke:
- (a) In a building, except in:
    - (i) a dwelling unit as defined in the City of Duncan Zoning Bylaw including any balcony or patio accessible there from and immediately adjacent thereto, 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:
      - (A) that are not open to the public,
      - (B) where the only occupants are the owner or owners of the business carried on in the premises;

- (b) in any public facility, including parks, playgrounds and sports fields.
- (c) in a vehicle for hire;
- (d) on public transit, including a school bus or passenger bus;
- (e) in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit;
- (f) within seven and a half (7.5) meters of the perimeter of a bus stop;
- (g) in a vehicle when any other occupant of the vehicle is under the age of 16 years;
- (h) within seven and a half (7.5) meters of any door or window that opens or any air intake;
- (i) in a customer services area;
- (j) within seven and a half (7.5) meters of a customer service area but this subsection does not apply to smoking in a dwelling unit as defined in subsection 2.1(a)(i) herein.

### **Enforcement of ban on smoking**

- 2.2 Except as permitted by section 2.1, a responsible person must not suffer or allow a person to smoke in any of the areas specified in section 2.1(a) through (j).

### **Signs banning smoking**

- 2.3 A responsible person must display or ensure the display of a sign at all times:

- (a) in a vehicle for hire, a school bus, a public transit bus, in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit, where section 2.1 prohibits smoking, stating:

"THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING"

and

- (b) at each entrance wall, door or window to a building or customer service area of a building where section 2.1 prohibits smoking, stating:

"SMOKING IS PROHIBITED WITHIN 7.5 METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE" combined with the internationally accepted 'no smoking' symbol.



### **Sign requirements**

- 2.4 (1) All signs referred to in section 2.3 (a) will:
- (a) be in a form and size prescribed by the City,
  - (b) be posted in a conspicuous place and be clearly visible to the public using the vehicles or premises;
- (2) All signs referred to in section 2.3 (b) will:
- (a) be in a form and size prescribed by the City,
  - (b) be posted in a conspicuous space and be clearly visible to the public outside the premises.

Notwithstanding the fact that the symbol in section 2.3 (b) is a cigarette, it shall be deemed to include a lighted cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance.

### **Conditions of signs**

- 2.5 A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw or cause any sign required under this Bylaw to be removed, altered, concealed, defaced or destroyed.

## **SECTION 3 OFFENCES AND PENALTIES AND ENFORCEMENT**

### **Offences under Bylaw**

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

is guilty of an offence against this Bylaw and liable to the penalties imposed under section 3.3.

**Continuing Offence**

3.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

**Fines for Offence**

3.3 Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine of not less than \$100.00 or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.

**SECTION 4  
ENACTMENT**

**Force and Effect**

4.1 This Bylaw comes into force and takes effect upon adoption.

RECEIVED PROVINCIAL MINISTRY OF HEALTH CONSENT the 28<sup>th</sup> day of April, 2010.

READ A FIRST TIME the 16<sup>th</sup> day of August, 2010.

READ A SECOND TIME the 16<sup>th</sup> day of August, 2010.

READ A THIRD TIME the     day of     , 2010.

ADOPTED the     day of     , 2010.

DEPOSITED WITH THE PROVINCIAL MINISTRY OF HEALTH the     day of     , 2010.

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Lynn Ketch  
Director of Corporate Services

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Phil Kent  
Mayor