



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, NOVEMBER 16, 2015
Call to Order 5:30 p.m.
Closed Meeting 5:31 p.m.
Regular Open Meeting 7:00 p.m.

A G E N D A

1. CALL TO ORDER (5:30 P.M.)

2. CLOSED SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

3. RISE AND REPORT

REGULAR MEETING (7:00 P.M.)

4. AGENDA APPROVAL

5. MINUTES

5.1. Minutes of the Regular Meeting of Council held November 2, 2015.....1 - 8

6. DELEGATIONS

6.1. Kathy Desaulniers, Heather Owsianski, Sarah Bonar
Proposed Sixth Avenue Location for Off-Leash Dog Park9 - 10

6.2. George Hanson, Laurie Bienert, Nanaimo Foundation
Ladysmith Community Engagement and the Nanaimo Foundation

7. PROCLAMATIONS

7.1. Mayor Stone has proclaimed the month of November 2015 as Adoption Awareness Month in the Town of Ladysmith, in recognition of the care, compassion and unselfish commitment of British Columbia adoptive

families, and to remind citizens that there are currently many children and sibling groups in the province who are available for adoption.

- 7.2. Mayor Stone has proclaimed December 3rd 2015 as the International Day of Persons with Diversabilities Day to help increase the inclusion of persons with disabilities, and to break down attitudinal barriers that exclude their full and effective participation as equal members of society.

8. DEVELOPMENT APPLICATIONS

8.1. Buckingham's Browsersium Ltd. (918, 922, 928, 934, 940 Esplanade Avenue)..... 11 - 17

Council will recall that at the Council meeting held on November 2, 2015, the following resolution was adopted regarding the above-noted property:

That, in response to matters raised at the Public Hearing, Council direct staff to negotiate a covenant with the proponents to ensure that a percentage of vehicles for sale or lease are electric and/or hybrid, prior to fourth reading of Bylaw 1897.

Staff Recommendation:

That prior to the adoption of Zoning Bylaw Amendment Bylaw No. 1897 the following shall be completed to the satisfaction of the Director of Development Services:

Registration of a section 219 covenant on the title of Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade) and Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade) to secure the following voluntary commitment:

That if the lands are used for the purpose of motor vehicle sales or rentals, in any calendar month at least 20% of the motor vehicles displayed for sale or lease on the lands must be motor vehicles making use of low emission technology engines.

And that the Mayor and Corporate Officer be authorized to execute the section 219 covenant.

9. BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING) - None

10. REPORTS

10.1. Smoking Regulations..... 18 - 48

Staff Recommendation:

That staff be directed to prepare:

1. A No Smoking/Clean Air Bylaw once Bill 14, the Tobacco Control Amendment Act, comes into force;
2. An amendment to the Ticket Utilization Bylaw to incorporate fines associated with the No Smoking/Clean Air Bylaw; and,
3. A Communications Strategy to ensure that the Town's position on smoking in public places is clearly communicated to the public.

11. BYLAWS

11.1. Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1885..... 49 - 50 May be adopted.

The purpose of Bylaw 1885 is to close to traffic and remove the highway dedication of the undeveloped portion of Peerless Road in order to sell it to an adjacent property owner.

Approval from the Ministry of Transportation and Infrastructure was received on October 30, 2015.

11.2. Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1896..... 51 - 52 May be adopted.

The purpose of Bylaw 1896 is to close the laneway near Stirling Drive and Sanderson Road in order to exchange it with the adjacent property owner for other land to be used as a laneway.

12. CORRESPONDENCE

12.1. C. Forrest, 410 Third Avenue Development Variance Permit – Request for Review..... 53 - 55

Staff Comments:

Section 15 of the "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" stipulates that there is to be a 12 month period immediately following the date of refusal of an application unless an affirmative vote of at least two-thirds of the members of Council eligible to vote on the reapplication has been passed.

Development Variance Permit (DVP) application 3060-14-02 was denied by Council at a meeting held January 19, 2015. The 12 month period ends January 19, 2016. The property owner/applicant has written a letter (received October 28, 2015 – see attached) to request that Council reconsider the application as soon as possible.

Council direction is requested on the consideration of the new DVP application.

Staff Recommendation:

That, in accordance with Ladysmith Development Procedures Bylaw 2008, No. 1667 which stipulates that there is to be a 12 month period immediately following the date of refusal of an application unless an affirmative vote of at least two-thirds of the members of Council eligible to vote on the reapplication has been passed, Council consider if it wishes to reconsider the Development Variance Permit application for 410 Third Avenue (C. Forrest) prior to the end of the 12 month waiting period (i.e. January 19, 2016).

12.2. Michael Smith, Ladysmith Golf Course Advisory Board - Greens Maintenance56

Staff Recommendation:

That Council direct staff to consult with the Ladysmith Golf Club regarding various maintenance options for the golf course and that staff report back to Council in this regard.

12.3. Jeffery Stubbington, Saltair Marine Services Ltd. - Return of Propeller from the Northern Light V..... 57 - 59

Staff Recommendation:

That Council direct staff to waive the Purchasing Policy (specifically the requirement to dispose of assets by way of public auction) and return the propeller from the vessel “Northern Light V” to Saltair Marine Services Ltd. so that the propeller can be used in a waterfront project in Kelsey Bay.

12.4. Mike Morgan, Ladysmith Baseball Association – Electronic Scoreboard at High Street Ball Park.....60

Staff Recommendation:

That Council direct staff to work with the Ladysmith Baseball Association regarding the possible installation of an electronic scoreboard at High Street Ball Park.

13. NEW BUSINESS

14. UNFINISHED BUSINESS

14.1. The Music Hall Food Company – Patron Participation Entertainment Endorsement.....61

Background:

The Music Hall Food Company has applied to the Liquor Control and Licensing Branch for a change to its liquor licence by adding a patron participation entertainment endorsement for a food primary licence.

On September 28, 2015 Council adopted the following resolution:

That Council direct staff to:

- a) *Gather the view of residents by direct mail to properties within 60 metres of the Music Hall Food Company located at 18 Roberts Street and request the Owner to place the letter/ notice in the business window, and*
- b) *Report back to Council regarding the matters outlined in section 53 of the Liquor Control and Licensing Regulation as outlined in Part 12 of the attached application form.*

Staff sought input from neighbouring property owners/residents as directed by Council and present the following recommendations for Council's consideration:

That Council advise the Liquor Control and Licensing Branch that:

1. An information letter was sent on October 14, 2015 to property owners within 60 metres of 18 Roberts Street to seek their views of the proposed change to the Music Hall liquor licence and was posted in the business window from October 15 to November 10, 2015; one email was received supporting the participation in music events and dancing at 18 Roberts Street; the addition of patron participation entertainment endorsement may create noise, however no concerns have been expressed to the Town for the proposed change to the liquor licence; and
2. The Town of Ladysmith Council supports the addition of patron participation entertainment endorsement for a food primary licence for the Music Hall Food Company at 18 Roberts Street.

14.2. Ron Legault, Kinsmen Club of Ladysmith – Storage Facility for Uniforms and Equipment at Forrest Field62

Background:

Council will recall that at the meeting held on September 28, 2016 the following resolution was adopted regarding this issue:

That Council refer the proposal from the Ladysmith Kinsmen Club, to enhance storage amenities at Forrest Field, to the Parks, Recreation and Culture Commission for review and comment.

Given that the Parks, Recreation and Culture Commission has not met recently, the Kinsmen Club is requesting Council's consideration of this matter at tonight's meeting in order that the Club can proceed with the project.

Staff Recommendation:

That Council

1. Direct staff to work with the Kinsmen Club of Ladysmith regarding the installation of a storage facility to be used for the storage of uniforms and equipment for the Mid Isle Soccer Association and the Ladysmith Steelers Junior Football at Forrest Field; and

14.3. Rotary Club of Ladysmith Memorandum of Understanding – Transfer Beach Park Improvement Project 63 - 67

Background:

Council will recall that at the meeting held on September 28, 2016 the following resolution was adopted regarding this issue:

That Council refer the proposal from the Rotary Club of Ladysmith, to enhance playground amenities at Transfer Beach Park, to the Parks, Recreation and Culture Commission for review and comment.

Given that the Parks, Recreation and Culture Commission has not met recently, the Rotary Club is requesting Council's consideration of this matter at tonight's meeting in order that the Club can meet grant application deadlines.

Staff Recommendations:

That Council consider if it wishes to:

1. Authorize the Mayor and Corporate Officer to sign the MOU with the Ladysmith Rotary Club for the planned improvements at Transfer Beach Park.
2. Direct Staff to provide a letter of support to the Ladysmith Rotary Club regarding Phase 2 of the Transfer Beach Park Improvement Project and the installation of a shelter in the picnic area, with final design approval to be presented to Council before construction.
3. Authorize the Kinsmen Club to purchase and install a water fountain at Transfer Beach Park.
(Further information on this recommendation will be provided at the meeting.)

14.4. Ron Legault, Kinsmen Club of Ladysmith Request for Letter of Support68

Staff Recommendation

That Council provide a letter of support for the Kinsmen Club of Ladysmith to accompany the Club's application for B.C. Gaming Commission funding.

15. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.

- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, NOVEMBER 2, 2015
COUNCIL CHAMBERS, CITY HALL
CALL TO ORDER 5:32 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Carol Henderson

Councillor Steve Arnett
Councillor Rob Hutchins

Councillor Cal Fradin
Councillor Duck Paterson

COUNCIL MEMBERS ABSENT:

Councillor Joe Friesenhan

STAFF PRESENT:

Ruth Malli
John Manson

Felicity Adams
Clayton Postings

Sandy Bowden

CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:32 p.m.

CLOSED MEETING

CS 2015-356

Moved and seconded:

That Council retire into Closed Session at 5:33 p.m. in order to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- litigation or potential litigation affecting the municipality
- labour relations or other employee relations
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Motion carried.

REGULAR MEETING

Mayor Stone reconvened the Regular Meeting of Council at 7:00 p.m. and recognized the traditional territory of the Stz'uminus First Nation.

AGENDA

CS 2015-357

Moved and seconded:

That Council approve the agenda for the Regular Council meeting of November 2, 2015 as amended by the following:

- Remove item 7.1 (Presentation to Dwain King)
- Move item 7.2 before the Public Hearing
- Add 14.2 – Placement of Garbage Cans

Motion carried.

MINUTES

CS 2015-358

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council

held October 13, 2015.
Motion carried.

CS 2015-359

Moved and seconded:
That Council approve the minutes of the Special Meeting of Council held October 19, 2015.
Motion carried.

DELEGATION

Shelley Anderson, Ladysmith Chemainus Swim Club
Representatives of the Ladysmith Chemainus Swim Club discussed the club's successes and sought Council's help to address declining enrollment. Council thanked them for their presentation and commitment to building self-esteem through sportsmanship in our local youth.

CS 2015-360

Moved and seconded:
That Council direct staff to work with the Ladysmith Chemainus Swim Club to develop possible options and recommendations for ways the town can assist the Swim Club with its challenging financial situation.
Motion carried.

PUBLIC HEARING

Public Hearing – Bylaw 1897
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897

Mayor Stone opened the Public Hearing and provided an outline of the public hearing process.

Director of Development Services, Felicity Adams, introduced Bylaw 1897 and the statutory requirements.

The subject of the Public Hearing is Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3) 2015, No. 1897. The properties that are the subject of Bylaw 1897 are: Lot 5 and Lot 6, Block 5, District Lot 24, Oyster District, Plan 703A (934 and 940 Esplanade Ave.). Bylaw No. 1897 contains site specific regulations for the subject properties.

The subject properties are in the C-2 Zone in Town of Ladysmith Zoning Bylaw 2014, No. 1860. If adopted, Bylaw 1897 will permit a site-specific use of 'motor vehicle sale and rental' at 934 and 940 Esplanade Avenue, subject to a maximum of 15 vehicles for outdoor display, landscaping requirements and permitting the outdoor display to be located between the front and exterior side parcel lines and the building.

The second matter that is the subject of the public hearing is the discharge of Covenant FB168857. The Covenant is registered on the titles of:

- The northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster District, Plan 703A (918 Esplanade)
- Lot 3, Block 5, District Lot 24, Oyster District, Plan 703A (922 Esplanade)
- Lot 4, Block 5, District Lot 24, Oyster District, Plan 703A (928 Esplanade)
- Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade)
- Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

These five properties were rezoned to Downtown Commercial (C-2) in 2008. At that time a mixed-use development was proposed. At the time of the rezoning, the commitment to the project design and other matters was secured through the registration of a Section 219 Land Title Act covenant on the certificate of title of the five properties. The amenities and conditions listed in the 2008 Covenant FB168857 are:

- Maximum of 5 commercial units and maximum of 15 residential units on the lands
- Commitment to Dishlevoy and Hagarty Architect building designs (March 10, 2008)
- Improvements to the lane and Warren Road as required for the development
- Storm water drainage off-site cannot exceed pre-development flows; and
- \$1000 for each residential unit to be constructed on the lands.

The owner of the lands no longer wishes to proceed with the 2008 mixed-use development. The applicant and current potential purchaser have presented a proposal to maintain and renovate the existing building on the land, and have requested that Covenant FB168857 be removed from the title of the five subject properties.

The Public Hearing notice was printed in the Chronicle newspaper on October 20 and 27, 2015 and posted on community notice boards throughout the Town, as well as on the Town's website. The Notice was mailed to the Owners and delivered to tenants of the subject properties and all properties located within 60 metres of the subject property.

A copy of the Bylaw, Covenant and other related information considered by Council was made available at City Hall for the Notice period.

Staff responded to questions prior to the public hearing. One written submission received prior to the agenda deadline was distributed with the Public Hearing agenda materials.

The proposal was referred to the Advisory Planning Commission by

Council. At its meeting held on October 15, 2015 the Advisory Planning Commission provided the following recommendation to Council:

It was moved, seconded and carried that the Advisory Planning Commission (APC) recommends support for amending the C-2 Zone to permit a site specific use 'motor vehicle sale and rental' at 934 and 940 Esplanade Avenue with the following conditions: maximum of 15 vehicles for outdoor display; permitting the outdoor display area to be between the exterior side and front parcel line and the building; and that the outdoor display be subject to the requirements of DPA 2 and landscape guidelines of DPA 3.

The Applicant held a neighbourhood information meeting on October 22, 2015.

The Report from the applicant provides that:

- Approximately 10 people attended the meeting. Comments from attendees were primarily in favour of the proposed 'motor vehicles sale and rental' use of the two properties. Attendees were pleased that the outdoor display of vehicles was limited to 15. There was support for the restoration of the existing building and maintaining its heritage appearance. One attendee expressed concern regarding additional traffic along the lane/alley as the lane is used as a pedestrian walkway. Attendees were assured that vehicle mechanical repair would not occur on the site.

The applicant, Bill MacMunn of GP Vehicle Sales, provided an overview of the proposed site development and business operation, and responded to questions from Council.

In response to questions, Council was advised that:

- Stock will be mainly pre-owned vehicles, with a focus on selling green-powered, electric and hybrid vehicles.
- There are no plans to develop the lot south of the Browsorium property, and the rezoning application does not apply to that lot.
- Signage will be in keeping with the heritage nature of the Browsorium building, which will be restored as part of this development.

Phillip Oldridge, partner in GP Motor Sales, advised Council that he is also President and Chief Executive Officer of Green Power Motor Bus Company and is committed to facilitating public access to green powered vehicles. He stated that the business model for the company does not involve selling older used vehicles that do not support the company's green power focus.

Mayor Stone called three times for written submissions.

Receiving no further written submissions, Mayor Stone read the previously received written submission from Dan Harvey. Mayor Stone called for verbal submissions.

Carol Tisdale, 25A Symonds Street: Spoke in favour of the application, and expressed concern about the interface between the Cenotaph and the proposed development of the property, as well as the potential for increased traffic and speed along the Warren Street alley.

Bruce Mason, 17 French Street: Expressed concern about the interface between the Cenotaph and the proposed development, as well as the potential danger of increased use of the alleys in the vicinity of Warren Street.

Sandra Constable, 20 Warren Street: Was advised that the proposed hours of operation of the new business are Monday to Saturday, 9:00 a.m. to 5:00 p.m., and that some car rentals of a longer-term nature are envisioned. She expressed concerns about traffic, congestion, parking in the vicinity of the new business and the availability of power to charge electric vehicles on site.

Mr. Constable, 20 Warren Street: Expressed concern that the rezoning could lead to traditional used car operations in future, and asked if there was any way to prevent this from happening.

Wayne Johnston, 26 Warren Street: Enquired about plans for security and other commercial activities on the site, stated his opposition to security plans that included a chain link fence, and expressed general support for the application.

Carol Tisdale, 25A Warren Street: Encouraged the proponents to engage a landscape architect to assist with landscaping and lighting and help address security issues.

Rob Johnson, #106, 385 North Davis Road: Spoke against the application, stating that he was concerned about its location beside the cenotaph, that there are better uses for the site and that the proposed business is not compatible with the Town's heritage theme.

Mayor Stone called a second and third time for verbal submissions. Hearing no further verbal submissions, Mayor Stone declared the Public Hearing for Bylaw 1897 closed.

DEVELOPMENT APPLICATIONS

Zoning Bylaw Amendment Application: 918, 922, 928, 934, 940
Esplanade Avenue

Moved and seconded:

CS 2015-361

1. That Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897 be read a third time and referred to the Ministry of Transportation and Infrastructure.
2. That, following adoption of Bylaw 1897 and the consolidation of 934 and 940 Esplanade Ave. (Lot 5 and 6) into one lot and the consolidation of 918 and 922 Esplanade Ave. (Lot 3 and the northerly 25ft of Lot 2) into one lot, the Mayor and Corporate Officer be authorized to release Section 219 Covenant FB168857 from the title of 918, 922, 928, 934, 940 Esplanade Avenue.

Amendment

Moved and seconded:

CS 2015-362

That Resolution CS 2015-361 be amended to read as follows:

1. That Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897 be read a third time and referred to the Ministry of Transportation and Infrastructure.
2. That, following adoption of Bylaw 1897 and the consolidation of 934 and 940 Esplanade Ave. (Lot 5 and 6) into one lot and the consolidation of 918 and 922 Esplanade Ave. (Lot 3 and the northerly 25ft of Lot 2) into one lot, the Mayor and Corporate Officer be authorized to release Section 219 Covenant FB168857 from the title of 918, 922, 928, 934, 940 Esplanade Avenue.
3. That, in response to matters raised at the Public Hearing, Council direct staff to negotiate a covenant with the proponents to ensure that a percentage of vehicles for sale or lease are electric and/or hybrid, prior to fourth reading of Bylaw 1897.

Amendment carried.

Motion as amended carried.

Closure of Lane at Sanderson Road and Stirling Drive

Moved and seconded:

CS 2015-363

That Council receive the report from the Director of Infrastructure Services regarding the closure of the pedestrian lane at Sanderson Road and Stirling Drive, and give first three readings to Bylaw 1896 under the Bylaws section of the agenda.

Amendment

Moved and seconded:

CS 2015-364

That resolution CS 2015-363 be amended to read as follows:

That Council receive the report from the Director of Infrastructure Services regarding the closure of the pedestrian lane at Sanderson Road and Stirling Drive, and give first three readings to Bylaw 1896 under the Bylaws section of this agenda, and that prior to adoption of

Bylaw 1896, staff be directed to investigate options for disposition of the laneway and report back to Council in this regard.

Amendment carried.

Motion as amended carried.

**BYLAWS (OFFICIAL
COMMUNITY PLAN
AND ZONING)**

CS 2015-365

Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1896

Moved and seconded:

That Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1896 be read a first, second and third time.

Motion carried.

BYLAWS

CS 2015-366

Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894

Moved and seconded:

That Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894, be adopted.

Motion carried.

CORRESPONDENCE

CS 2015-367

**Lesley Parent, Ladysmith Downtown Business Association
Request for Waiver of Trolley Rental Fee for Ladysmith Old Tyme
Christmas and Candlelight Walk on December 4, 2015**

Moved and seconded:

That Council waive the trolley rental fee for the Ladysmith Downtown Business Association Old Tyme Christmas and Candlelight Walk from 5:00 p.m. to 8:30 p.m. on Friday, December 4, 2015.

Motion carried.

CS 2015-368

**Mayor Phil Kent, City of Duncan
Request for Letter of Support for Totem Pole Project Funding
Application**

Moved and seconded:

That Council provide a letter of support to the City of Duncan for its application to the Canada 150 Fund for a new, commemorative totem pole.

Motion carried.

CS 2015-369

**Jonathan Zeiler, Ladysmith Festival of Lights
Request for Permission to Install Memorial Information Plaque at the
Chuck Perrin Memorial Tree**

Moved and seconded:

That Council:

1. Grant permission to the Ladysmith Festival of Lights to install a memorial information plaque at the Chuck Perrin Memorial Tree;
2. Direct staff to work with the Ladysmith Festival of Lights to ensure the plaque is consistent with signage standards for downtown Ladysmith, and to assist with the installation of the plaque if required; and

3. Write a letter of appreciation to the Nanaimo Airport Commission for their generous support of the Ladysmith Festival of Lights.
Motion carried.

NEW BUSINESS

Grant-in-Aid Application – Cowichan Valley Firefighters Honour Guard
Moved and seconded:

CS 2015-370

That Council refer the Grant-in-Aid request from the Cowichan Valley Firefighters Honour Guard for consideration with the Grant-in-Aid requests for 2016, as the 2015 Grant-in-Aid budget has been fully allocated.
Motion carried.

Replacement of Garbage Cans
Moved and carried:

CS 2015-371

That Council direct staff not to proceed with the replacement of garbage cans in the downtown core at this time, and report back with options for Council's consideration.
Motion carried.

QUESTION PERIOD

Members of the public enquired about District Lot 651, the *Viki Lyne II*, pollution and obstruction of water ways caused by live-aboard vessels in Ladysmith Harbour, Ladysmith attendance at the recent Vancouver Island Economic Summit and opportunities for public consultation on economic development in the Town, and, Public Hearing procedures and time limits.

C. Bradbury enquired about the status of Road Closure and Dedication Removal Bylaw 1896, and expressed concern regarding the proposed closure of the pedestrian lane in the vicinity of Sanderson Road and Stirling Drive.

CLOSED SESSION

Moved and seconded:

CS 2015-372

That Council retire into Closed Session at 9:20 p.m.
Motion carried.

RISE AND REPORT

Council rose from Closed Session at 10:45 p.m. without report.

ADJOURNMENT

Moved and seconded:

CS 2015-373

That this meeting of Council adjourn at 10:45 p.m.
Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (S. Bowden)

November 9, 2015

TO: LADYSMITH MAYOR AND COUNCIL

RE: NEIGHBOURS AGAINST PROPOSED DOG PARK ON BC HYDRO LOT
CORNER OF 6TH AND METHUEUN:

We are the neighbours of the BC Hydro lot on the corner of 6th Ave and Methuen Street and we are writing to tell you we are absolutely opposed to a dog park next to our homes. We heard about it by chance and upon review of the town documents we have found the following:

- April 13, 2015 Staff Report – staff reviewed Lot 108, BC Hydro lot, Brown Drive Park and Davis Rd School for a fenced dog park options analysis. Lot 108 was recommended as the preferred option. Also, **staff stated if other than lot 108 was chosen, staff recommended consultation with the neighbours was to occur.**
- On April 13, 2015 Ladysmith Council approved \$14,000 to be set aside for a fenced dog.
- On, April 20th council approved a fenced dog park on BC Hydro lot 6th & Methuen St and directed staff to negotiate a lease with BC Hydro. What did you base this decision on?

Council has proceeded toward use of the Hydro lot with **blatant disregard** for the negative impacts it will have on our lives and property. In addition, council has not acted with due diligence to identify if this parcel is safe and suitable for the intended use as a dog park – Does it meet current standards under the Provincial Contaminated Sites Regulation for park use?

The following is a summary of our concerns:

- **This land use is incompatible with abutting residences** - up to 1000 dog licences and therefore potential users of the dog park– we will be subject to constant barking 7 days a week, odor from people not picking up feces, urine odor, people noise, loss of back yard privacy and stress to neighbourhood dogs. This will infringe on our legal right to “**use and enjoyment**” of our property. Other municipalities have not located dog parks on land adjoining private property for the same reasons e.g. Somenos Creek Dog Park in Duncan, Beban Park in Nanaimo.
- **Decrease in property value.** No one in their right mind would want to live next to a dog park. Why are the rights of a few dog owners who would visit the site for an hour or so at a time deemed to be more important than the adjacent landowners who would be subject to the noise and odors all the time?
- **Minimal parking** on corner of Methuen/6th. Once this area is full, users will be looking for parking in the Jamison Road cul-de-sac.
- **Potential heavy metal, hydrocarbon and PCB contamination.** This site was a BC Hydro Substation and was decommissioned prior to 1997 under the old legislation and guidelines. At that time, when a site was remediated, a Letter of Comfort was issued by the Provincial Government. After 1997 the requirements were increased. Now when a site is remediated it has to meet standards for the intended use under the provincial Contaminated Sites Regulation. We have sent an email to BC Hydro Property Division for proof that recent sampling has been completed to show this site meets the current

regulations for the intended use. If this site requires further remediation, the cost will be very high. Failure to request this information constitutes a lack of due diligence. Failure to develop the parcel without this information would be negligent on the part of the town.

- We have no lack of options for dog owners already for both on and off-leash areas. **Off leash** is allowed in Transfer Beach Park (above deKoninck Way); Arbutus Ridge Trail; Gourlay-Janes Park; Mackie Park; Holland Creek Trail. **On Leash** is allowed in the Arboretum; Holland Creek Ball Park (spectator stands area only); Aggie Field (spectator stands area only); Davis Road Park; Little League Park (spectator stands area only); Queens Park; municipal boulevards; Stonewall Park. And the entire rest of the town - why not fence an area of one of these parks already in use?

For the above mentioned reasons, we are formally asking that Mayor and Council withdraw this property as an option for a dog park and look for a more suitable parcel with appropriate compatible land use.

Sincerely:

Sarah & James Bonar, 204 Jamison Rd, Sbonar67@telus.net; 250-245-1298

Kathy Desaulniers, 202 Jamison Road, bossdez69@yahoo.ca; 250-729-5616

Mike and Jenaya Toole, 525 Methuen St. carneledechero@yahoo.ca 250-245-8725

Heather Owsianski and Bill Cottrell, 206 Jamison Rd., heather.ows329@gmail.com
250-245-4713

Leslie & Gord Cross, 527 Methuen Street. Leslie_cross52@yahoo.ca

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

STEWART McDANNOLD STUART
BARRISTERS & SOLICITORS
2nd FLOOR - 837 BURDETT AVENUE
VICTORIA BC V8W 1B3

Tel.: 250 380-7744 Fax.: 250 380-3008
 File No.: 173 154 CS/slw
 Covenant

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

Entire document

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

BUCKINGHAM'S BROWSORIUM LTD. (INC. NO. BC0420814)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

TOWN OF LADYSMITH

BOX 220, 132C ROBERTS STREET
LADYSMITH

V9G 1A2

BRITISH COLUMBIA
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

(as to both signatures)

Execution Date

Y	M	D

Transferor(s) Signature(s)

BUCKINGHAM'S BROWSORIUM LTD., by its authorized signatory (ies):

Name: _____

Name: _____

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date			Transferor / Borrower / Party Signature(s)
	Y	M	D	
<hr/>				TOWN OF LADYSMITH, by its authorized signatory(ies):
(as to both signatures)				Name: <hr/>
				Name: <hr/>
<hr/>				<hr/>
<hr/>				<hr/>

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

000-035-173 LOT 5, BLOCK 5, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 703-A

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

000-035-181 LOT 6, BLOCK 5, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 703-A

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee-simple of those lands and premises located within the Town of Ladysmith, in the Province of British Columbia, more particularly described as :

PID 000-035-173

Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A

PID 000-035-181

Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A

(hereinafter collectively referred to as the said "**Lands**")

- B. The Transferee is the Town of Ladysmith;
- C. The Transferor acknowledges that it is in the public interest that the development and use of the Lands be limited and wishes to grant this covenant to the Transferee;
- D. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of:
- the use of land or the use of a building on or to be erected on land;
 - that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;
 - that land is not to be used, built on or subdivided;
- may be granted in favour of the municipality and may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferor by the Transferee (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1. In this Agreement the following words have the following meanings:

"low emission technology" includes electric vehicles, electric hybrid vehicles, hydrogen and fuel cell vehicles, compressed air vehicles, neat ethanol vehicles, natural gas vehicles or other similar technology that result in materially lower carbon emissions to the atmosphere than average internal combustion engines for that class or general type of vehicle.
2. The Transferor covenants and agrees with the Transferee that it shall not use or permit the use of the Lands or any building on the Lands for any purpose, construct any

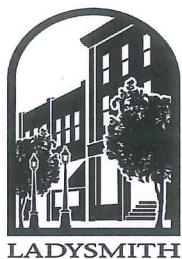
building on the Lands or subdivide the Lands except in strict accordance with this Agreement.

3. The Transferor covenants and agrees that if the Lands are used for the purpose of motor vehicle sales or rentals, in any calendar month at least twenty percent (20%) of the motor vehicles displayed for sale or lease on the Lands must be motor vehicles making use of low emission technology engines.
4. The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
5. The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
6. At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
7. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor.
8. Time is of the essence of this Agreement.
9. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.

10. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
11. The Transferor shall pay the legal fees of the Transferee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
12. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
13. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
14. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
15. The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.
16. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Lands.
17. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
18. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
19. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
20. The Transferee agrees that if the Council of the Town of Ladysmith does not adopt Town of Ladysmith Zoning Bylaw (No. 3), 2015, No. 1897 on or before February 29, 2016, the Transferee shall, at the request and cost of the Transferor, cause this covenant to be discharged from title to the Lands.
21. This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original.

All counterparts shall be construed together and shall constitute one and the same Agreement. This Agreement may be delivered by electronic means.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: November 5, 2015
File No:

Re: Town of Ladysmith Smoking Regulations

RECOMMENDATION(S):

That staff be directed to prepare:

- 1) a No Smoking/Clean Air Bylaw once Bill 14, the Tobacco Control Amendment Act, comes into force;
- 2) an amendment to the Ticket Utilization Bylaw to incorporate fines associated with the No Smoking/Clean Air Bylaw; and,
- 3) a communications strategy to ensure that the Town's position on smoking in public places is clearly communicated to the public.

PURPOSE:

The purpose of this staff report is to provide a summary of recent research into the issue of cigarette smoking regulations at the local government level.

INTRODUCTION/BACKGROUND:

In 2013 Council adopted the following resolution regarding smoking regulations:

That Council direct staff to prepare a No Smoking/Clean Air Bylaw in accordance with current provincial legislation and the recommendations of the Vancouver Island Health Officers, including:

1. *Prohibit smoking in public spaces, beaches, parks, sports fields, athletic facility stands, public/private school grounds and outdoor areas of municipal facilities (with exceptions for the ceremonial use of tobacco in an Aboriginal cultural activity);*
2. *Prohibit smoking within seven metres of Town-owned building doorways, open windows and air intakes and encourage business owners to do the same;*
3. *Prohibit smoking on outdoor patios, transit stops, and where individuals are required to queue for the receipt of any service;*
4. *Prohibit the sale of tobacco to anyone under 19 years of age;*

5. *Restrict retail tobacco displays/promotions where youth have access;*
6. *Prohibit smoking in cars with children under the age of 16;*

And that other jurisdictions in the Cowichan Valley Regional District be consulted with respect to establishing a common no-smoking bylaw;

And further, that a communications strategy be prepared to ensure that the Town's position on smoking in public places and in motor vehicles occupied by individuals under the age of 16 years is clearly communicated to the public.

Consultation with other local governments within the Cowichan Valley indicates that the City of Duncan enhanced its smoking regulations in 2012 with the adoption of "Smoking Regulation Bylaw No. 3064, 2012" (see attachment 1) which prohibits smoking:

- a) in any fully or substantially enclosed public place or workplace;
- b) within three meters of most public or workplace doorways, open window, or air intakes (i.e. a "buffer zone")
- c) in substantially enclosed transit shelters;
- d) in common areas of apartment buildings, condominiums and dormitories;
- e) on any public and private K-12 school grounds;
- f) in motor vehicles when youth under 16 years of age are present;
- g) in any public facility which includes, but is not limited to, any outdoor gathering place, buildings and land owned or operated by the City of Duncan, including but not limited to parks, playgrounds, sports fields, and City Square.

CVRD Clean Indoor Air and Control of Smoking Regulation Bylaw No. 1627, 1995 prohibits smoking in a workplace, in a business place, in a place of public assembly, in a public place, and in a taxicab except with the unanimous consent of all occupants (see attachment 2). These prohibitions do not apply to public outdoor places. In 2013 the CVRD Board endorsed a policy brought forward by an advisory body to prohibit smoking in the buildings or outside the parking lots of the Island Savings Centre and the Cowichan Aquatic Centre. The District of North Cowichan has not addressed this issue recently, however, staff indicate that the matter will likely be brought forward to their elected officials in the near future.

In 2012 the City of Nanaimo adopted a bylaw to expand its smoke-free zones to include all City managed recreation properties including: trails, plazas, parks, beaches and recreation facilities. They also committed to establishing designated smoking areas as required.

In 2007, the Town of Ladysmith posted no smoking signs at Transfer Beach Park, Kinsmen/Brown Drive Park, Holland Creek Ball Field, and the High Street Ball Field. Also, the following notation is included on all recreation facilities rental contracts: "Smoking is not permitted in the Frank Jameson Community Centre, Aggie Hall, Amphitheatre or Community Vans".



In 2014, the Capital Regional District (CRD) adopted Bylaw No. 3962 which is “a bylaw to promote clean air by regulating environmental tobacco smoke” (see attachment 3). This bylaw prohibits smoking:

- (a) in any park except in a private vehicle;
- (b) in any designated public space;
- (c) in any schoolyard;
- (d) inside any part of a building or structure except in a private residence, hotel or motel room or tent or trailer in a campsite;
- (e) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
- (f) in any vehicle or passenger conveyance, except in a private vehicle;
- (g) within seven (7) metre area measured on the ground from a point directly below any point of a doorway, window or air intake;
- (h) within seven (7) metres of a bus stop measured on the ground from any point of the bus stop sign,
- (i) inside any part of a building or structure, except inside a private residence, hotel or motel room, or tent or trailer in a campsite;
- (j) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
- (k) in any vehicle or passenger conveyance, except in a private vehicle;

Provincial Legislation

The following provides an overview of provincial legislation pertaining to smoking:

Tobacco Control Act:

- prohibits the sale of tobacco to anyone under 19 years of age
- restricts retail tobacco displays/promotions where youth have access
- bans tobacco use on all public/private school grounds (with exceptions for the ceremonial use of tobacco in an Aboriginal cultural activity)
- bans smoking in all indoor public and workspaces and within a three metre buffer zone of most public/workplace doors, open windows and air intakes

Motor Vehicle Act

- bans smoking in cars with children under the age of 16

Given the enactment of the current Provincial legislation regulating smoking in public places and in motor vehicles, and a local government’s limited resources to enforce such regulations, many local governments have opted not to implement no smoking regulations within their jurisdictions. Currently Ladysmith has not adopted a no smoking/clean air bylaw however the Town is subject to CVRD Bylaw No. 1627, the “Clean Indoor Air and Control of Smoking Regulation Bylaw 1995”.

Staff has discussed this issue with the Medical Health Officer of the Vancouver Island Health Authority regarding the implementation of smoking regulations for the Town. We are advised that Bill 14, the Tobacco Control Amendment Act, 2015 (see attachment 4) currently sits at third reading in the legislature and it is anticipated that the Act will receive consent in January 2016. The Medical Health Officer recommends waiting until Bill 14 is enacted before adopting a Town bylaw pertaining to smoking regulations in order to ensure that the Town's regulations are consistent with provincial legislation.

It is therefore recommended that staff prepare a No Smoking/Clean Air Bylaw once the Act comes into force.

Electronic Cigarettes

In 2014 Council adopted the following resolution regarding electronic cigarettes (e-cigarettes):

That Council direct staff to investigate the suitability of amending the relevant no-smoking regulations in order to include the use of electronic cigarettes in its current enforcement of regional smoking regulations, as requested by the Cowichan Communities Health Network in their correspondence dated March 25, 2014.

Some local governments, such as Kelowna and Chilliwack, have included e-cigarettes in their smoking regulations. Bill 14 includes regulations pertaining to e-cigarettes. Once this legislation is enacted, regulations will be implemented province-wide.

SCOPE OF WORK:

Once Council direction is confirmed, and the provincial legislation pertaining to smoking regulations is enacted, staff will draft the appropriate bylaw. The Town is required to consult with the Medical Health Officer prior to adopting the bylaw in accordance with Public Health Bylaws Regulation, B.C. Reg. 42/2004. As such staff will forward a copy of the draft bylaw to the Medical Health Officer for comment prior to placing it on an agenda for Council's consideration. As noted under "Financial Implications", once the bylaw is adopted there may be significant bylaw enforcement implications which are unknown at this time.

ALTERNATIVES:

Council could consider directing staff to not proceed with preparing a No Smoking/Clean Air Bylaw.

FINANCIAL IMPLICATIONS:

Enforcement costs of implementing a No Smoking/Clean Air Bylaw may be substantial. Staff is unable to project such costs at this time.



LEGAL IMPLICATIONS:

Any regulations implemented must be done by bylaw and be done in consultation with the Medical Health Officer.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The public is generally supportive of smoking restrictions. The prohibition of smoking in public places such as restaurants, workplaces, retail outlets, etc., and motor vehicles occupied by individuals under the age of 16, has been in effect for several years.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Implementation of smoking regulations will involve the Corporate Services and Bylaw Enforcement Departments.

RESOURCE IMPLICATIONS:

Additional Bylaw Enforcement personnel may be required if a No Smoking/Clean Air Bylaw is adopted.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Establishing a No Smoking/Clean Air Bylaw aligns with Sustainability Goal No. 8 – Create healthy communities and individuals and with the 7th Pillar of Sustainability – Healthy Community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative aligns with Strategic Direction F – A Safe and Healthy Community.

SUMMARY:

Council directed staff to prepare a No Smoking/Clean Air Bylaw and consult with other local governments in the CVRD regarding the issue. While other CVRD local governments have not enhanced smoking regulations to the extent of the CRD's Clean Air Bylaw, this is an opportunity for Ladysmith take a leadership role regarding the issue. Bill 14, the Tobacco Control Amendment Act, currently sits at third reading. Staff recommends presenting a No Smoking/Clean Air Bylaw to Council once the provincial legislation comes into force.

I concur with the recommendation.

Ruth Malli

Ruth Malli, City Manager



ATTACHMENTS:

1. City of Duncan Smoking Regulation Bylaw No.3064, 2012
2. CVRD Clean Indoor Air and Control of Smoking Regulation Bylaw No. 1627, 1995
3. Capital Regional District Clean Air Bylaw No. 1, 2014
4. Bill 14 – Tobacco Control Amendment Act



City of Duncan

Smoking Regulation Bylaw No. 3064, 2012

(With Amendments to February 18, 2013)

Consolidated for Convenience Only

Amended by Bylaw No. 3080, 2013 – Adopted February 18, 2013

THE CORPORATION OF THE CITY OF DUNCAN
BYLAW NO. 3064, 2012

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

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:

SECTION 1
INTERPRETATION

Title

1.1 This Bylaw may be cited as "Smoking Regulation Bylaw No.3064, 2012".

Definitions

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

"Bylaw Enforcement Officer" means any Peace Officer or other person designated by the City of Duncan.

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

"City Square" shall mean the area immediately surrounding City Hall, including all benches, the stage, sidewalks and brickwork areas East of Craig Street, South of Ingram, and west of the Canada Avenue sidewalk and during public or private events shall include Craig Street and any adjacent sidewalks when closed for event purposes.

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

"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 Officer appointed by the City of Duncan.

“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.

“public facility” includes, but is not limited to, any outdoor gathering place, buildings and land owned or operated by the City of Duncan, including but not limited to parks, playgrounds, sports fields, and City Square.

“responsible person” means a person who owns, controls, manages, supervises or operates common public areas;

“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.

Severability

- 1.2 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

- 1.3 The Bylaw Enforcement Officers or the Building Inspector of the City of Duncan shall be responsible for administration of this Bylaw.

Duty of Administration

- 1.4 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 Inspector or Bylaw Enforcement 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 REGULATIONS

Ban on Smoking

- 2.1 No person shall smoke:
- (a) In any fully or substantially enclosed public place or workplace;

- (b) within three (3) meters of most public or workplace doorways, open-window, or air-intakes (i.e. a "buffer zone");
- (c) in substantially enclosed transit shelters;
- (d) in common areas of apartment buildings, condominiums and dormitories;
- (e) on any public and private K-12 school grounds;
- (f) in motor vehicles when youth under 16 years of age are present;
- (g) in any public facility.

Enforcement of Ban on Smoking

- 2.2 A responsible person must not suffer or allow a person to smoke in any of the areas specified in section 2.1(a) through (g).

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 3.4.

- 3.2 A person who obstructs a Bylaw Enforcement Officer or Building Inspector in the performance of his or her duty is guilty of an offence against this Bylaw and liable to the penalties imposed under section 3.5.

Continuing Offence

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

Fines for Offence

Amended by #3080

- 3.4 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, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under 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 and to a maximum not exceeding the maximum allowed by the *Community Charter*, as amended, and the cost of prosecution.

Amended by #3080

- 3.5 Notwithstanding Section 3.4, any person who is guilty of obstructing a Bylaw Enforcement Officer or Inspector while performing his/her duties in relation to this Bylaw is liable on summary conviction to a fine of not less than \$2,000.00, or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Community Charter*, 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.

PREPARED IN CONSULTATION WITH THE MEDICAL HEALTH OFFICER OF THE VANCOUVER ISLAND HEALTH AUTHORITY PRIOR TO ADOPTION.

DEPOSITED WITH THE PROVINCIAL MINISTRY OF HEALTH the 5th day of NOVEMBER, 2012.

READ A FIRST TIME this 19th day of NOVEMBER, 2012.

READ A SECOND TIME this 19th day of NOVEMBER, 2012.

READ A THIRD TIME this 19th day of NOVEMBER, 2012.

ADOPTED this 17th day of December, 2012.

Lynn Ketch
Director of Corporate Services

Phil Kent
Mayor

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 1672

A Bylaw for the purpose of prohibiting and/or regulating smoking within the Whole of the Cowichan Valley Regional District.

WHEREAS the Board of Directors of the Cowichan Valley Regional District has, by supplementary Letters Patent, dated September 25, 1969 (OIC No. 3072) been granted the function of "Health Regulations";

AND WHEREAS, on October 16, 1992, under authority of B.C. Regulation 210/91 (OIC No. 1595) the Cowichan Valley Regional District was granted the additional power of Health Regulation under Section 692(1) of the "Municipal Act" with respect to the control of smoking within all of the region's Electoral Areas and Municipalities, as an extended service;

AND WHEREAS, under authority of CVRD Bylaw No. 1507 cited as "CVRD - Extended Service (Control of Smoking) Establishment Bylaw No. 6, 1993" established an Extended Service for the purpose of controlling and regulating smoking with all Electoral Areas and Municipalities participating;

AND WHEREAS, the Regional Board is desirous of regulating persons, their premises, and their activities, to further the care, protection, promotion and preservation of the health of the inhabitants of the Regional District;

AND WHEREAS, it has been determined that tobacco smoke is a health hazard and/or discomfort for many inhabitants of the Regional District;

AND WHEREAS, it is deemed desirable and expedient for the health, safety and welfare of the Region's inhabitants to prohibit or regulate smoking or both in the Regional District;

AND WHEREAS, the approval of the Minister of Health has been obtained, pursuant to the provisions of Section 692(4) of the Municipal Act as aforesaid;

NOW THEREFORE, the Regional Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as "CVRD - Clean Indoor Air and Control of Smoking Regulation Bylaw, 1995".

.../2

2. Interpretation

In this bylaw the words and phrases hereinafter listed shall have the meanings and applications as stated:

"bingo hall" means a business carrying on the business of a bingo hall;

"bowling alley" means a business carrying on the business of a bowling alley;

"business place" means any premises or part thereof to which the public has access for the purpose of purchasing goods or services and includes, without limiting the generality of the foregoing, a hospital, licenced premises, a personal service establishment, restaurant, pool hall, bingo hall and bowling alley;

"designated smoking area" means an area or areas designated under Section 3 of this bylaw;

"employee" a person who:

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer;

"hospital" means a hospital as defined in the Hospital Act, RSBC, 1979, C. 176 and a community care facility as defined in the Community Care Facility Act, RSBC, 1979, C. 57;

"licenced premises" means an establishment licenced or required to be licenced under the Liquor Control and Licencing Act, RSBC, 1979, C. 237 and includes premises covered by a temporary licence issued under the aforesaid Act;

"personal service establishment" means an establishment in which a person provides a service to or on the body of another person and, without limiting the generality of the foregoing, includes a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;

"place of employment" means any indoor place of work other than:

- (a) a private home which also serves as a place of work, or
- (b) a workplace occupied solely by an independent contractor or only by the partners to a partnership, and includes any parts of a retail shop used exclusively by the employer of such premises, but does not include a reception area.

"place of public assembly" means premises where members of the public assemble for the purposes of worship, entertainment, education, government, amusement or .../3

sport, and without limiting the generality of the foregoing, includes a trade show, but does not include a workplace or a business place;

"pool hall" means a business carrying on the business of a pool hall;

"post" means the act of keeping continuously displayed;

"premises" means:

- i) a room,
- ii) a shop,
- iii) a building,
- iv) an enclosed structure, or
- v) an area within a building or enclosed structure.

"private function" means a special event for which an entire room or hall has been solely reserved and at which attendance is limited to people who have been individually invited;

"proprietor" means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof.

"public place" means any building or portion thereof where the public is invited or has access and includes reception areas, buses operated within the Cowichan Valley Regional District by or on behalf of any school district and buses operated within the Cowichan Valley Regional District by or on behalf of the Cowichan Valley Regional District in cooperation with B.C. Transit, but does not include a workplace, business place or place of public assembly;

"reception area" means the area of an office or establishment used solely for the purposes of receiving or greeting customers, clients or other persons dealing with the office or establishment;

"resident or patient care" means any and all areas of a medical care facility or hospital frequented by residents or patients but does not include a room occupied by a resident or patient for his exclusive use.

"restaurant" means a public premises in which prepared food is served to the public in exchange for money or services, or to which the public has access for the purposes of purchasing prepared food for consumption on the premises;

"smoke" or "smoking" means the inhaling of or exhaling of the smoke from tobacco or other organic substance or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning;

.../4

"workplace" means any building or portions of a building where the public is not invited or does not have access and in which a person or people are employed;

3. Prohibition

No person shall smoke:

- a) in a workplace;
- b) in a business place;
- c) in a place of public assembly;
- d) in a public place;
- e) in a taxicab except with the unanimous consent of all occupants thereof.

4. Designated Smoking Areas

Notwithstanding the provisions of Section 3:

- a) a proprietor of any workplace or business place may designate all or any portion or portions of such workplace or business place as a designated smoking area or areas;
- b) a proprietor of a place of public assembly may create a designated smoking area in such place of public assembly provided that such area is constructed so that it is separated from the remaining area of the place of public assembly and is enclosed by walls, has a closing door, and has a ventilation system which exhausts to the outside atmosphere;
- c) a proprietor of any place of public assembly within which an entire room or hall has been solely reserved for the holding of a private function, may designate for the term of any such reservation, all or a portion of such room or hall as a designated smoking area;
- d) a person may smoke in a designated smoking area.

5. Signs

- a) Upon deciding whether to create a designated smoking area pursuant to Section 4 hereof, the proprietor of a workplace, business place or place of public assembly, shall post at the entrances to such workplace, business place or place of public assembly, a notice in one of the following forms:

.../5

- i) "No Smoking On These Premises"; or
 - ii) "Smoking Permitted On These Premises"; or
 - iii) "Smoking Is Permitted Only in Designated Smoking Areas"; or
 - iv) A graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.
- b) If in any building or structure there is more than one workplace, business place or place of public assembly, all proprietors in such building or structure may, by unanimous consent, cause to be located at or near to all entrances to such building or structure, a notice in one of the following forms:
 - i) "No Smoking In This Building"; or
 - ii) "Smoking Permitted In This Building"; or
 - iii) "Smoking Is Permitted Only In Designated Smoking Areas"; or
 - iv) A graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw;

and if such notice is posted, no notice in an individual workplace, business place or place of public assembly within the building, need be posted, as required under Section 4(a) hereof.
- c) A proprietor of any workplace, business place or place of public assembly, who has created a designated smoking area, must identify such designated smoking area by a sign or signs bearing the text "Smoking Permitted In This Area", or a graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.
- d) A proprietor of a public place or places shall post within such public place or places a sign bearing the text "No Smoking Permitted" except and unless there is posted at the street entrance or entrances to the premises in which such public place or places are located a sign or signs bearing the text "No Smoking In This Building" or "No Smoking On These Premises" or "Smoking Only In Designated Smoking Areas" or a graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.

6. Enforcement

The Bylaw Enforcement Officer, or an accredited representative, shall have the right of entry and may enter on to any land or into any building at all reasonable hours in order to inspect the same and ascertain whether the provisions of this Bylaw are being or have been carried out. Any person interfering with or obstructing the entry of any such official or employee of the Cowichan Valley Regional District on to any such

.../6

land or into any such building to which said entry is made or attempted pursuant to the provisions of this section of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw and liable to a fine of not more than \$500.00.

7. Penalties

- (a) Any person who commits an offense against this Bylaw shall be liable upon conviction to a maximum fine of Five Hundred Dollars (\$500.00).
- (b) Any proprietor or person who fails or neglects to perform any duty imposed by this Bylaw shall be guilty of an offence and liable to a fine of not more than \$500.00.

8. Severability

In the event that any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this bylaw.

9. Applicability

This Bylaw applies to the whole of the Cowichan Valley Regional District comprised of the City of Duncan, Town of Ladysmith, Village of Lake Cowichan, District of North Cowichan and Electoral Areas A, B, C, D, E, F, G, H and I.

READ A FIRST TIME this 11th day of January, 1995.

READ A SECOND TIME this 11th day of January, 1995.

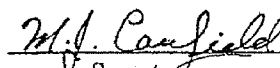
READ A THIRD TIME this 22nd day of March, 1995.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. as given Third Reading on day of , 1995.

Approved by the Minister of Health pursuant to the provisions of Section 692(4) of the Municipal Act, this 5th day of May , 1995.

ADOPTED this 24th day of May, 1995.


Chairperson


Secretary

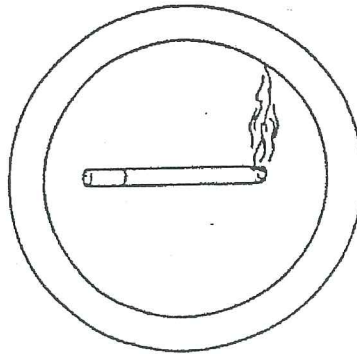
SCHEDULE "A"
TO BYLAW NO. 1672

1. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "NO SMOKING":



The symbol shall be on a white background with a circle and interdictory streak in red, with a cigarette, cigar, pipe or other lighted smoking equipment in black.

2. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "SMOKING IS PERMITTED":



The symbol shall be on a white background with a circle in green and cigarette, cigar, pipe or other lighted smoking equipment in black.

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3962

A BYLAW TO PROMOTE CLEAN AIR BY REGULATING
ENVIRONMENTAL TOBACCO SMOKE

WHEREAS:

- A. By Supplementary Letters Patent dated May 16, 1974, the powers, duties and obligations of all participating member Municipalities and any other local authorities to perform the function conferred on the Capital Regional District pursuant to Division XI – Community Health were transferred to the exclusive jurisdiction of the Capital Regional District, including, but without limiting the generality of the foregoing, the health powers conferred upon the Council of a municipality by the *Community Charter*, S.B.C. 2003, c. 26;
- B. The Board of the Capital Regional District may, by bylaw, pursuant to section 523 of the *Local Government Act*, R.S.B.C. 1996, c. 323, regulate and prohibit for the purposes of maintaining, promoting and preserving public health and maintaining sanitary conditions and undertake any other measures it considers necessary for those purposes;
- C. The Capital Regional District has been granted the additional power to exercise the powers conferred on a council of a municipality under section 8(3)(i) of the *Community Charter*, S.B.C. 2003, c. 26, in accordance with section 14 of the Capital Regional District Regulation, B.C. Reg. 65/90;
- D. Section 9(4) of the *Community Charter*, S.B.C. 2003, c. 26, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted under section 2(a) or (b) of B.C. Reg. 42/2004 not be adopted unless the bylaw or a copy of it is first deposited with the Minister of Health and the local government has consulted with the Medical Health Officer responsible for health matters within the Capital Regional District;
- E. A copy of this bylaw has been deposited with the Minister of Health and the Board of the Capital Regional District has consulted with the Medical Health Officer;
- F. Environmental Tobacco Smoke has been designated a Class A carcinogen, similar to benzene and asbestos, by Health Canada and the Environmental Protection Agency of the United States of America, and is a health hazard to the inhabitants of the Capital Regional District;
- G. It is generally recognized by scientific and medical communities that no level of Environmental Tobacco Smoke exposure is safe and scientific research has determined that outdoor areas where smoking occurs contain significant levels of Environmental Tobacco Smoke; and

- H. It is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of the Capital Regional District to prohibit, regulate and impose requirements in relation to smoking in the Capital Regional District.

NOW, THEREFORE, the Board of the Capital Regional District, in open meeting assembled **HEREBY ENACTS AS FOLLOWS**:

1. INTERPRETATION

In this Bylaw:

“business” means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes an activity carried on by a government, government agency, Crown corporation, educational institution, municipality, regional district, or charitable organization;

“bus stop” means a place on a bus route marked by a sign at which buses stop to pick up and drop off passengers and includes a transit shelter;

“Community Charter” means the *Community Charter*, SBC 2003, Chapter 26;

“designated public space” means public playing fields, public playgrounds and public squares;

“Enforcement Officer” means a person appointed as a bylaw enforcement officer or contractor by the Capital Regional District to enforce this Bylaw;

“Local Government Act” means the *Local Government Act*, RSBC 1996, Chapter 323;

“main entrance” means a place where the name or information about a park, designated public space or school yard is posted or a place designed by a responsible person as a common entry point by the public;

“no-smoking sign” means a no-smoking sign prescribed by this Bylaw;

“park” means land acquired, reserved or dedicated as a regional park or community park in accordance with the *Local Government Act* or the *Community Charter* and land acquired, held, occupied, zoned or regulated as park by a local government and shall include, without restricting the generality of the foregoing, within such parks, all beaches, public playgrounds, public playing fields, public squares, roadways and paths, but shall not include any highway passing through such park that has been dedicated as highway by plan of subdivision or that has been laid out, constructed and maintained by the Ministry of Transportation of the Province of British Columbia, or a local government, or that is a public highway under the *Highway Act*;

“prominently” means placed in such a position that the text of the sign or graphic symbol is clearly visible to a person in a school yard or inside a building, structure or vehicle or passenger conveyance, except a private residence;

“public playgrounds” means lands held, occupied, zoned or regulated for use by the public as outdoor areas containing playground equipment;

“public playing fields” means lands held, occupied, zoned or regulated for use by the public as outdoor areas for sporting activities;

“public square” means land acquired, reserved or dedicated as a public square in accordance with the *Local Government Act* or *Community Charter*;

“responsible person” means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this Bylaw and includes the person actually in charge thereof;

“school yard” means that portion of the lands of a school as defined in the *School Act* without buildings or structures;

“transit shelter” means a covered structure or facility located at a designated bus stop to provide protection from the elements for passengers waiting for a bus.

2. PROHIBITION

- (1) No person shall carry or have in his possession a burning cigarette or cigar or a pipe containing burning tobacco, or burn tobacco in any other manner:
 - (a) in any park except in a private vehicle;
 - (b) in any designated public space;
 - (c) in any school yard;
 - (d) inside any part of a building or structure except in a private residence, hotel or motel room or tent or trailer in a campsite;
 - (e) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
 - (f) in any vehicle or passenger conveyance, except in a private vehicle;
 - (g) within seven (7) metre area measured on the ground from a point directly below any point of a doorway, window or air intake in a place described in subparagraphs 2(1)(d) and (e);
 - (h) within seven (7) metres of a bus stop measured on the ground from any point of the bus stop sign.
- (2) No responsible person shall permit a person to carry or have in his possession a burning cigarette or cigar or a pipe containing burning tobacco, or to burn tobacco in any manner:
 - (a) inside any part of a building or structure, except inside a private residence, hotel or motel room, or tent or trailer in a campsite;
 - (b) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
 - (c) in any vehicle or passenger conveyance, except in a private vehicle;
- (3) Section 2(1) does not apply to a ceremonial use of tobacco in relation to a traditional aboriginal cultural activity.

3. POSTING OF SIGNS

- (1) A responsible person must display, or ensure the display of, a sign at all times, in the form established under paragraph 4(1):
 - (a) at the main entrances to a park;
 - (b) at the main entrances to a designated public space;
 - (c) at the main entrances to a school yard;
 - (d) at each entrance to a building or structure for which that person is a responsible person except a private residence, hotel or motel room, or a tent or trailer in a campsite;
 - (e) inside a vehicle or passenger conveyance, except in a private vehicle;
 - (f) at any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;

- (2) A responsible person must display, or ensure the display of, a sign, at all times, on each exterior wall of a building or structure where the prohibition contained in section 2(1) applies, that states:

"Smoking is prohibited within seven (7) meters of openings into this building or structure including doors and windows that open and any air intake."

4. SIGNS

- (1) A no-smoking sign shall state,
 - (a) the phrase "no smoking", or
 - (b) a graphic symbol substantially in the form shown on Schedule "A" attached to this Bylaw, which shall be a minimum of six centimetres in diameter

and may include

- (c) the words "Capital Regional District Bylaw No. 3962 Maximum Penalty \$2,000.00."
- (2) A sign prescribed by former Capital Regional District Bylaw Nos. 2217 and 2401 is a lawful no-smoking sign for the purpose of this Bylaw.
- (3) No person shall remove, alter, conceal, deface, write upon or destroy any sign posted pursuant to this Bylaw.

5. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

6. OFFENCE

- (1) A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than Two Thousand Dollars (\$2,000.00), the costs of prosecution and any other penalty or order imposed pursuant to the *Local Government Act, Community*

Charter or the Offence Act (British Columbia). Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

- (2) The penalties imposed under Section 6(1) shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

7. INSPECTION

An Enforcement Officer is authorized to enter onto and into any land, building, structure or premises for the purposes established by sections 268 and 314.1 of the *Local Government Act* and any other authority to enter property granted in the *Local Government Act*, *Community Charter*, or another Act in accordance with the provisions of section 16(1)-(5) of the *Community Charter*, or other conditions of entry, if any, set out in the *Local Government Act*, *Community Charter* or another Act.

8. REPEAL

Capital Regional District Bylaw No. 2401 is hereby repealed.

9. TITLE

This Bylaw may be cited as the "Capital Regional District Clean Air Bylaw No. 1, 2014."

10. EFFECTIVE DATE

The effect of this Bylaw is suspended until April 1, 2015 and this Bylaw shall come into force effective April 1, 2015.

READ A FIRST TIME THIS	9 th	day of	July	2014
READ A SECOND TIME THIS	9 th	day of	July	2014
AMENDED THIS	13 th	day of	August	2014
READ A THIRD TIME THIS	13 th	day of	August	2014
DEPOSITED WITH THE MINISTER OF HEALTH THIS	25 th	day of	August	2014
ADOPTED THIS	10 th	day of	September	2014


 CHAIR


 CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT CLEAN AIR BYLAW NO. 3962

SCHEDULE "A"

The following graphic symbol is prescribed for the purpose of Section 4(1).



2015 Legislative Session: 4th Session, 40th Parliament
THIRD READING

The following electronic version is for informational purposes only.
The printed version remains the official version.

Certified correct as passed Third Reading on the 14th day of April, 2015
Craig James, Clerk of the House

HONOURABLE TERRY LAKE
MINISTER OF HEALTH

BILL 14 – 2015

TOBACCO CONTROL AMENDMENT ACT, 2015

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 The title of the Tobacco Control Act, R.S.B.C. 1996, c. 451, is repealed and the following substituted:

TOBACCO AND VAPOUR PRODUCTS CONTROL ACT

2 Section 1 is amended by adding the following definitions:

"activated e-cigarette" means an e-cigarette in which an e-substance is being vapourized;

"e-cigarette" means the following:

(a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air;

(b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a);

"e-substance" means a solid, liquid or gas

(a) that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and

(b) that is not a controlled substance within the meaning of the Controlled Drugs and Substances Act (Canada);

"vapour product" means the following:

- (a) an e-cigarette;
- (b) an e-substance;
- (c) a cartridge for or a component of an e-cigarette.

3 Section 2 is amended

- (a) in subsections (1), (2) and (4) by adding "or vapour products" after "tobacco" wherever it appears, and
- (b) in subsection (3) by striking out "cigarettes" and substituting "tobacco products".

4 Section 2.1 (1) and (4) is amended by adding "or vapour products" after "tobacco".

5 Section 2.2 is amended

- (a) by adding the following subsection:

(3.1) A person must not use an e-cigarette, or hold an activated e-cigarette, in or on school property. ,

- (b) in subsection (4) by adding "or (3.1)" after "subsection (2)", and

- (c) by repealing subsection (6) and substituting the following:

(6) Subsection (4) applies whether or not the person who

(a) smoked or used tobacco, or held lighted tobacco, or any other person, is charged with contravening subsection (2), or

(b) used an e-cigarette or held an activated e-cigarette, or any other person, is charged with contravening subsection (3.1).

6 The following section is added:

No tobacco or vapour product use on health board property

2.21 (1) In this section:

"health board" means

- (a) a regional health board designated under the Health Authorities Act, and
- (b) the board or other governing body of a prescribed organization having as one of its purposes the delivery of health services;

"health board property" means the following that are, in whole or in part, owned or leased by, or operated under the authority of, a health board:

(a) real property and improvements;

(b) personal property.

(2) Subject to subsection (3), a person must not do any of the following in or on health board property:

(a) smoke or use tobacco, or hold lighted tobacco;

(b) use an e-cigarette, or hold an activated e-cigarette.

(3) Subsection (2) does not apply to the following:

(a) the ceremonial use of tobacco in or on health board property if the ceremonial use of tobacco is approved by the health board and it is performed

(i) in relation to a traditional aboriginal cultural activity, or

(ii) by a prescribed group for a prescribed purpose;

(b) the smoking, use or holding of tobacco, or the use or holding of an activated e-cigarette, in or on any area of health board property that is designated by the health board as an area in which a person may use tobacco or e-cigarettes.

7 Section 2.3 is amended

(a) in subsection (1) by striking out "or hold lighted tobacco," and substituting "hold lighted tobacco, use an e-cigarette, or hold an activated e-cigarette", and

(b) in subsection (6) by striking out "smoked tobacco, or held lighted tobacco," and substituting "smoked or held lighted tobacco or used or held an activated e-cigarette, as described in subsection (1),".

8 Section 2.4 is amended

(a) in subsection (1) (a) by adding "or vapour products" after "tobacco products",

(b) in subsection (1) (b) by adding "or vapour products" after "tobacco", and

(c) in subsection (2) by striking out "a person who retails tobacco" and substituting "the retail of tobacco".

9 The following section is added:

Exception for prescribed medical products

2.41 A person is exempt from the prohibitions set out in sections 2 to 2.4, other than section 2 (1), with respect to vapour products that are prescribed products or devices intended to be used for medical purposes, including to reduce nicotine dependence.

10 Section 3 (2) (a) is amended by striking out "tobacco is" and substituting "tobacco or vapour products are".

11 Section 5.1 is amended by adding "as it relates to tobacco" after "enforcing this Act".

12 Section 6.1 is amended

(a) in subsection (2) (b) by adding "or vapour products" after "tobacco" wherever it appears, and

(b) by adding the following subsection:

(2.1) For the purposes of subsection (2) (b), if the contravention that is the subject of the administrative penalty is in respect of

(a) tobacco only, a prohibition order made under that subsection may be made only in respect of tobacco, and

(b) vapour products only, a prohibition order made under that subsection may be made only in respect of vapour products.

13 Section 10.1 (a) is amended by adding "or vapour products, as applicable," after "tobacco".

14 Section 10.3 is repealed and the following substituted:

Removing tobacco or vapour products from public display

10.3 A person must not display

(a) tobacco at a location to which a prohibition order, made under section 6.1 (2) (b) in respect of tobacco, applies, or

(b) vapour products at a location to which a prohibition order, made under section 6.1 (2) (b) in respect of vapour products, applies.

15 Section 11 is amended

(a) by repealing subsection (2) (a) and substituting the following:

(a) respecting the labelling and packaging, and the selling, distribution, offering, exposure, promotion and advertising, of tobacco and vapour products in British Columbia, including prohibiting the display of tobacco or vapour products and prohibiting forms of promotion or advertising of the use of tobacco or vapour products in British Columbia; ,

(b) in subsection (2) (b) by striking out "tobacco that is sold" and substituting "tobacco or vapour products that are sold",

(c) in subsection (2) (c), (d) and (h.2) (i) (A) by adding "or vapour products" after "tobacco",

(d) in subsection (2) (e) by striking out "tobacco at the time the tobacco is offered for sale or is sold" and substituting "tobacco or vapour products at the time the tobacco or vapour products are offered for sale or are sold",

(e) in subsection (2) (f) by striking out "minimum number of cigarettes" and substituting "minimum number or amount of tobacco products",

(f) in subsection (2) (h) by adding "or vapour product" after "tobacco",

(g) by repealing subsection (2) (h.2) (i) (B) and substituting the following:

(B) the emissions of tobacco or e-substances which arise or may arise from any use of tobacco or vapour products, and ,

(h) in subsection (2) (h.2) (i) (C) by striking out "to tobacco or the emissions of tobacco," and substituting "to tobacco or vapour products, or to the emissions of tobacco or e-substances",

(i) in subsection (3) by striking out "sections 2.1 to 2.3," and substituting "sections 2.1 to 2.41,"

(j) in subsection (3) (c) by adding "or organizations" after "prescribing persons",

(k) in subsection (3) by adding the following paragraphs:

(e) prescribing purposes as contemplated under sections 2.2 (3) (b), 2.21 (3) (a) (ii) and 2.3 (2) (b);

(f) prescribing products or devices for the purposes of section 2.41. , and

(l) by adding the following subsections:

(5) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations prescribing products or devices as e-cigarettes.

(6) A regulation made under subsection (3) (f) may adopt by reference, in whole or in part and with any changes the Lieutenant Governor in Council considers appropriate, a regulation, code, standard or rule

(a) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or

(b) set by a provincial, national or international body or any other body that may make codes, standards or rules.

(7) Unless otherwise stated, a code, standard or rule referred to in subsection (6) is adopted as amended from time to time.

16 Section 13 is amended by adding "or vapour products" after "tobacco".

Consequential and Related Amendments

Motor Vehicle Act

17 Section 231.1 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended

(a) by repealing subsection (1) and substituting the following:

(1) In this section, "activated e-cigarette", "e-cigarette" and "tobacco" have the same meaning as in the Tobacco and Vapour Products Control Act. , and

(b) in subsection (2) by striking out "smoke tobacco, or hold lighted tobacco," and substituting "smoke tobacco, hold lighted tobacco, use an e-cigarette or hold an activated e-cigarette".

Tobacco Tax Act

18 Section 1 (1) of the Tobacco Tax Act, R.S.B.C. 1996, c. 452, is amended by repealing the definition of "tobacco" and substituting the following:

"tobacco" means,

(a) except in sections 6 (7) and 9 (1), tobacco and tobacco products in any form in which they may be consumed, by a consumer, and includes snuff and raw leaf tobacco, and

(b) in sections 6 (7) and 9 (1), tobacco within the meaning of the Tobacco and Vapour Products Control Act; .

19 Section 6 (7) is amended by striking out "to which a prohibition order under the Tobacco Control Act applies." and substituting "to which a prohibition order made in relation to tobacco under the Tobacco and Vapour Products Control Act applies."

20 Section 9 (1) is amended by striking out "On receiving a copy of a prohibition order under section 10.2 of the Tobacco Control Act," and substituting "On receiving, under section 10.2 of the Tobacco and Vapour Products Control Act, a copy of a prohibition order made in relation to tobacco,".

21 Section 13 (f) is amended by striking out "the Tobacco Control Act." and substituting "the Tobacco and Vapour Products Control Act."

Commencement

22 This Act comes into force by regulation of the Lieutenant Governor in Council.

TOWN OF LADYSMITH

BYLAW NO. 1885

A Bylaw To Close And Remove The Dedication Of A Highway

WHEREAS the purpose of this Bylaw is to close to traffic and remove the highway dedication of an undeveloped portion of Peerless Road adjacent to 10844 Westdowne Road in the Town of Ladysmith, British Columbia for the purpose of disposing of the land to the adjacent landowner for consolidation with the adjacent landowner's lands;

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the Community Charter, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

NOW THEREFORE the Municipal Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

1. That portion of Peerless Road shown as "Closed Road" on Reference Plan EPP55149 , within District Lot 72, comprising .490 hectare, prepared by G. W. Lindberg land Surveying Inc., Professional Land Surveyors, and completed on August 31, 2015, a copy of which is attached as Schedule "A" hereto, is closed to all traffic.
2. The dedication of that part of Peerless Road referred to in Section 1 is removed.

CITATION

3. This Bylaw may be cited as the "Road Closure and Dedication Removal Bylaw 2015, No. 1885".

READ A FIRST TIME on the 28th day of September, 2015

READ A SECOND TIME on the 28th day of September, 2015

READ A THIRD TIME on the 28th day of September, 2015

APPROVED BY THE MINISTER OF TRANSPORTATION on the day of ,

ADOPTED on the day of ,

Approved under the Transportation Act

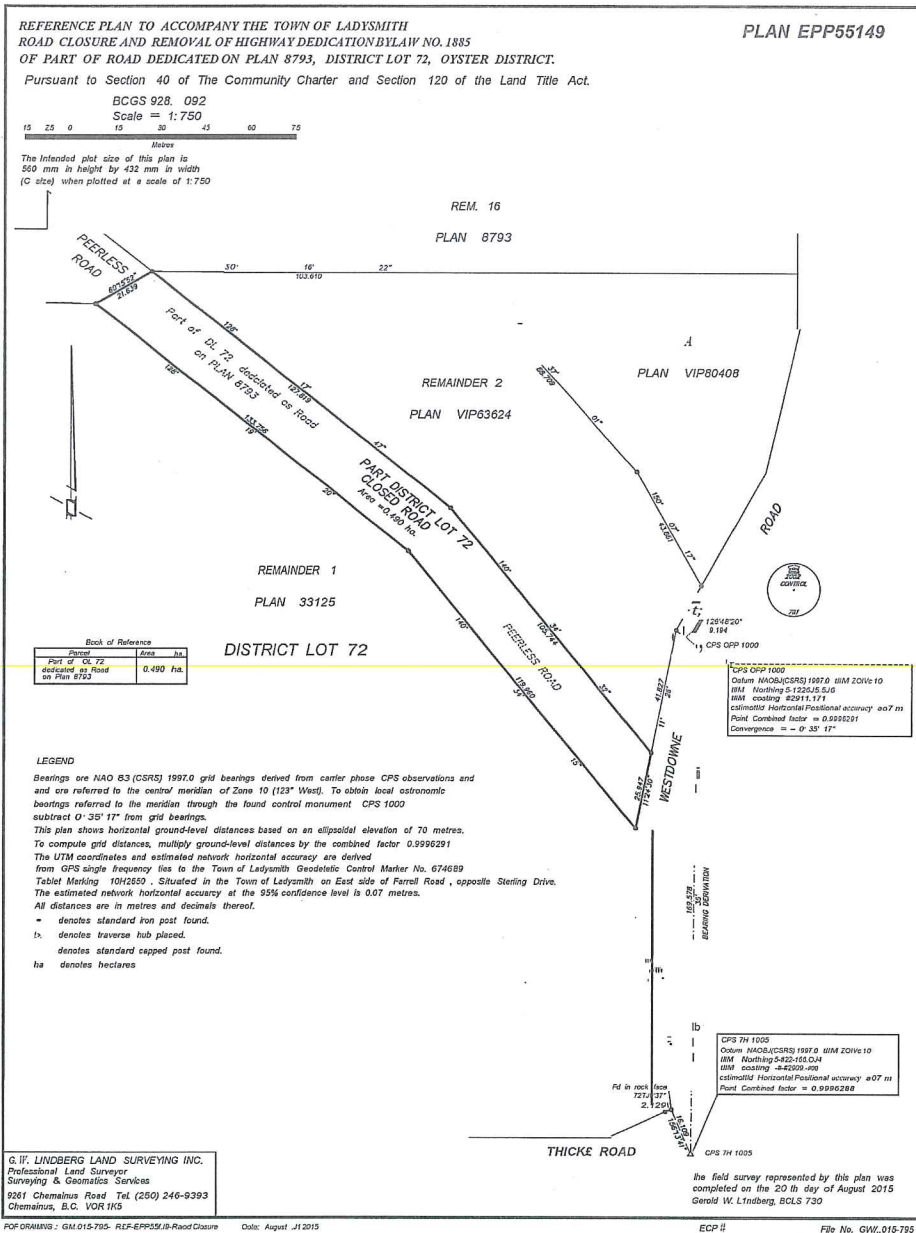
this 30th day of October 2015


District Development Technician
Ministry of Transportation and Infrastructure

Mayor (A. Stone)

Director of Corporate Services (S. Bowden)

Schedule "A" to Bylaw No. 1885 - Road Closure Plan



TOWN OF LADYSMITH

BYLAW NO. 1896

A Bylaw To Close And Remove The Dedication Of A Highway

WHEREAS the purpose of this Bylaw is to close to traffic and remove the highway dedication of the laneway adjacent to Stirling Drive and Sanderson Road in the Town of Ladysmith, British Columbia for the purpose of disposing of the land to the adjacent landowner for consolidation with the adjacent landowner's lands, in exchange for other land required for highway purposes;

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the Community Charter, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

NOW THEREFORE the Municipal Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

1. That portion of laneway shown as "Road" on Reference Plan EPP51680, dedicated on Plan VIP84843, District Lot 67, Oyster District, comprising 132.7 square metres, prepared by Douglas W. Holme, B.C.L.S., and completed on October 5, 2015, a copy of which is attached as Schedule "A" hereto, is closed to all traffic.
2. The dedication as highway of that part of the laneway referred to in Section 1 is removed.
3. The Mayor and Director of Corporate Services are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

CITATION

4. This Bylaw may be cited as "Road Closure and Dedication Removal Bylaw 2015, No. 1896".

READ A FIRST TIME on the 2nd day of November, 2015

READ A SECOND TIME on the 2nd day of November, 2015

READ A THIRD TIME on the 2nd day of November, 2015

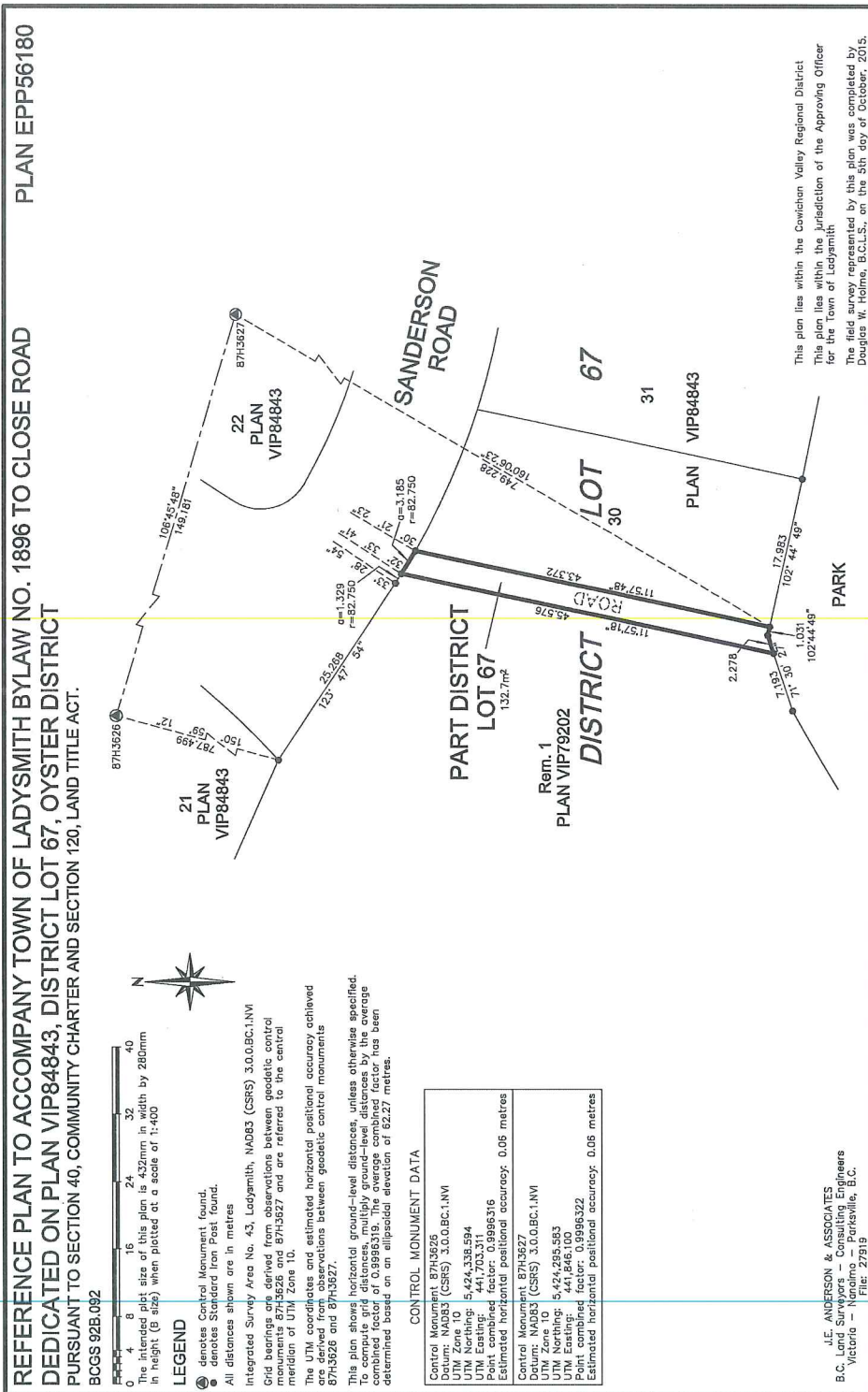
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE on the
day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Director of Corporate Services (S. Bowden)

Schedule "A" to Bylaw No. 1896 - Road Closure Plan





C. Forrest
PO Box 2192
410 3rd Ave.
Ladysmith, BC
V9G 1B7

Ladysmith Mayor and Council:

RE: Variance request for 4103rd Ave.

I, Charles Forrest, am submitting this variance request to reflect the differences between my Ancillary Building and a Coach-House. I realize that a year has not yet passed since my last request but winter is approaching and I must find a place to live. It is my understanding that the council has the prerogative to review a variance request before the anniversary date. This being the case please review the attached documents with the view of addressing this issue as soon as possible.

Thank you for your time and patience.

C. Forrest

Chuck Forrest

410 3rd Ave

Ladysmith, BC

V9G 1B7

18 Oct. 2015

Ladysmith Mayor and Council:

RE: Notice of Development Variance Permit: Amended proposal

DVP 14-02 (410 Third Avenue)

Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

PID: 008-700-117

This is a request for review of the 3090-14-02 variance to reflect the new information which precludes the requirement of a variance for insufficient distance between the proposed coach-house and main house. Upon review of the plans and existing structures it has been determined that the distance between the structures is 6.4 meters or 21 feet while the requirement is 6 meters or 19.68 feet. This error was made as the original measurements were from an earlier add-on stairs and porch. This porch is not sitting on a foundation so measurements are now from the foundations of each main building. This has been brought to Director John Manson.

The second variance was for the height. This is contentious as the bylaw reads 'average natural grade or average finished grade and the highest point of the roof', this is supplemented by the definition of which states 'Lesser of Average Natural or Average Finished Grade.' This definition should be reviewed as Tom Skarvig, town building inspector at that time", measured correctly while the demand for re-survey was in error as a result of an ambiguous definition.

This does not change my circumstance as this construction was before the Coach-House bylaws were in place. This request is for a variance of height to reflect the difference of .83 of a Meter,(based on the incorrect interpretation of the height definition). The requirement for Coach-House height is 6.6 Meters while the existing height is 7.43 Meters, measured by Bowers and Associates land surveyor. This difference was not planned but instead met all of the building restrictions in 2009.

In lieu of the variance on the difference between the house and garage I would like to change that variance request to one that changes the requirement of 60 sq. meters to allow for 90 sq meters as that was a limit allowed by the bylaws of 2009. The building is legal as it sits and is not going anywhere. This change will not be visually disturbing as it does not change the outside of the structure. Unfortunately I cannot make the building any smaller and should not be punished for following the guidelines of the time of build.

Precedent has been established with the passing of the Coach-House on 325 Gatacre St. Their two variances' VS mine have been very similar to this request and the issues of decision and hardship are particularly close . The only difference is that I had two detractors as neighbors, who have since recanted with the update of information. It seems that the real opposition is with one neighbor, who also was in opposition to #325 Gatacre. I do have signatures of neighbors and town-folk who are supportive of occupancy on 410 3rd. This was discontinued as it became a social issue of neighbors pitted against each other. This is not conducive to a cohesive or happy neighborhood.

As mentioned, the building exists and is not going away. It was legally built according to the bylaws of 2009 as prediction of the coach house bylaws was not possible at that time. The garage was built with the OCP in mind as it provides affordable housing and densification in the Old Town of Ladysmith. Every effort has been made to satisfy the towns changing requirements but some changes are not possible or financially feasible. I failed in understanding how this could have been avoided and why it was not discouraged at the beginning as I could have built elsewhere.

I hope this decision does not adversely affect the other garage/coach-houses in their attempts at legal occupancy.

Please review and advise so that I may move on with my life.

A handwritten signature in black ink, appearing to read 'Chuck Forrest', with a stylized, cursive script.

Chuck Forrest

November 2015

Town of Ladysmith

Attn: Town Council

As you are aware, the Ladysmith Golf Course has been impacted badly by the washout of the crossing at #7 fairway, both from the point of view of golfer convenience and subsequently in our financial wellbeing.

With our limited resources we are finding it increasingly difficult to maintain the course to a proper standard.

We have had some discussions with your Parks, Recreation and Public Works staff regarding the possibility of having the Town take over responsibility for greens maintenance in addition to their current maintenance of the fairways and irrigation systems.

This would substantially reduce our operating costs and put the town staff in a position to coordinate all the maintenance under one umbrella. We would continue to operate the clubhouse, collect memberships and green fees, and monitor course usage.

For our part, we are prepared to pay the Town all the excess revenue collected over and above the cost of maintaining the clubhouse. Based on past records, we have spent about \$30,000/year to run the clubhouse against gross income of between \$50,000 and \$60,000.

In talking with your staff, we are in agreement that this plan would best preserve the future of Ladysmith's lovely little golf course.

Sincerely,

Michael Smith

Ladysmith Golf Course Advisory Board

Sandy Bowden

From: Ruth Malli
Sent: November 9, 2015 3:41 PM
To: Saltair Marine Services
Subject: RE: Propeller

Hello,

Your request will be on an upcoming agenda. I don't see any issues. The donation went through Council, so we have to reverse it out the same way unfortunately!

R



Ruth Malli
City Manager
Town of Ladysmith
Box 220 – 410 Esplanade
Ladysmith, BC V9G 1A2
250.245.6401



Connect online:



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Please don't print this e-mail unless you really need to

From: Saltair Marine Services [<mailto:SaltairMarine@shaw.ca>]
Sent: November 5, 2015 2:00 PM
To: Ruth Malli
Subject: Propeller

Hi Ruth,

I have attached the two letter in regards to this propeller. As the propeller was never use as intended when donated. We would appreciate it's return so we can forward it to a waterfront project in Kelsey Bay.

Thank You for your assistance with this.

Susan



SALT AIR MARINE SERVICES LTD.

10801 Chemainus Road,
Ladysmith, B.C. V9G 2A4

(250) 245-8027
(250) 245-0085 FAX

Date: June 12, 2003

The Town of Ladysmith

Attention: Mayor Rob Hutchinson and Councilors

Re: Moorage of the "Northern Light V" in the Ladysmith Harbour

I would like to thank Mayor Hutchinson and councilors for allowing us to moor the vessel "Northern Light V" in the Harbour well the hydrocarbons were removed.

We have now completed scrapping the vessel. The project went very well, with a minor spark fire on a small crosol timber float tied alongside the vessel used as a stepping platform, it was put out by our crew and a local fishermen within minutes of it igniting. There were weekly and sometimes bi-weekly inspections by surveyors and government inspectors with no problems incurred.

This project provided 2,600 hours Labour to our employees, as well as \$75,000 business for local contractors and merchants. As well as a very important contact with the government agencies that deals with this type of environmental problem for the Town of Ladysmith and us.

We have kept the propeller off the vessel, it is a four blade bronze wheel about 8½' in diameter, with a nice cast bronze nut assembly and 8' of shaft still attached. This would make a nice centerpiece for a round about or such. If the Town is interest in this propeller please let me know.

Thank you for your assistance with this project. If you have any concerns please leave a message at my office 245-8027 or my pager 741-9678.

Thank You,
Jeffery Stubbington,
CEO



TOWN OF LADYSMITH

410 ESPLANADE, P.O. BOX 220, LADYSMITH, B.C. V9G 1A2

MUNICIPAL HALL (250) 245-6400
RECREATION (250) 245-6424
PUBLIC WORKS (250) 245-6400
FAX (250) 245-6411
WEBSITE www.town.ladysmith.bc.ca

June 17, 2003

Our File: 6800-01

Saltair Marine Services Ltd.
10801 Chemainus Road
LADYSMITH, B.C.
V9G 2A4

Attention: Jeffery Stubbington

Dear Mr. Stubbington:

On behalf of Council I wish to thank you for the project update relative to the moorage of the Northern Light V. By all accounts, it appears the work went well and obviously local employment was created.

Council has enthusiastically accepted your offer to donate the propeller off the vessel. It would be our intent to incorporate the artifact into some future display area in our historic downtown or on the waterfront. This initiative may become part of a Centennial project.

Once again, thank you for your kind contribution.

Sincerely,

Robert Hutchins
Mayor

Cc: Councillor R. Johnson
Centennial Committee

November 9th, 2015

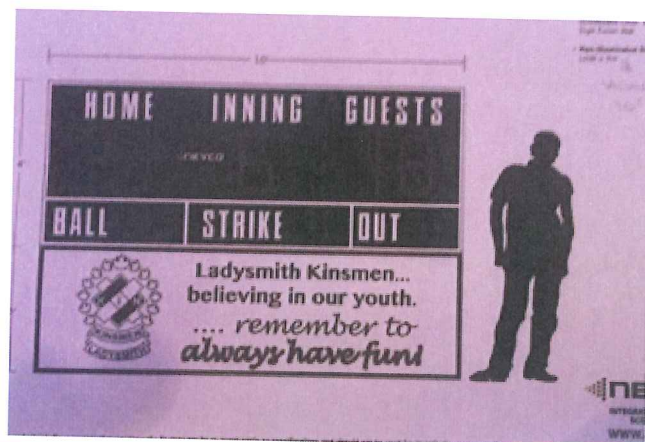
Dear Clayton Postings,

RE: Electronic Scoreboard at High St Ballpark

On behalf of the Ladysmith Baseball Association I'd like to ask for permission to install an electronic scoreboard at the High St Ballpark. The cost of the scoreboard has been generously donated by the Ladysmith Kinsmen Club. Any additional costs associated with installation will be paid by LBA.

Sincerely,

Mike Morgan
Director At Large
Ladysmith Baseball Association



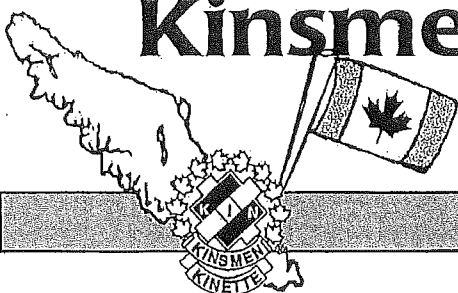
Jennifer LeBlanc

From: steve rolando
Sent: October 17, 2015 12:53 PM
To: Town of Ladysmith
Subject: Music Hall Food Company Ladysmith

I would like to express my support for changing " The Music Hall Food Company " liquor permit to allow patrons to participate in music events and to allow dancing.

Regards

Stefan Rolando



Kinsmen Club of Ladysmith

On The 49th Parallel

P.O. Box 324, Ladysmith, B.C. V9G 1A3

RECEIVED

SEP 21 2015

September 16, 2015

Mayor and Council
Town of Ladysmith
P.O. Box 220
Ladysmith, B.C. V9G 1A2

Dear Mayor Stone and Council:

The Ladysmith Kinsmen Club are wishing to work with youth soccer and football in Ladysmith. At our last meeting we had a letter from the Mid Isle Soccer Assoc. regarding storage for their uniforms and equipment. As a sponsor of the Ladysmith Steelers Junior Football we also know that they require proper storage. At this time they are paying rent on a rental unit that is not heated. Last year they had to have all their uniforms dry cleaned as they were covered in mildew.

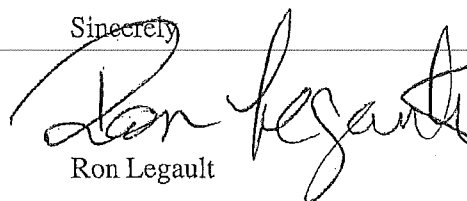
The Kinsmen would like to purchase a "C" can container and install it as a storage facility for both groups. The club would look after ALL costs and installation requirements. It is our intention to work with the Parks department on location, etc. The storage facility would be on a concrete pad, insulated and have electricity for heat and lights. This way both youth sports groups would have, at least a temporary, proper storage. It would also be at the facility that they all play and practice at so it would be more convenient for their volunteers.

We are asking The Town of Ladysmith to proceed with this project working with the Parks Recreation and Culture Dept.

Thank you very much for your time and consideration and please contact us, at any time, if you have any questions.

Have a great day.

Sincerely,



Ron Legault
President



Rotary Club of Ladysmith

"Service Above Self"

September 8, 2015

Mayor A. Stone and Council
PO Box 220, 410 Esplanade,
Ladysmith, British Columbia
V9G 1A2

Dear Mayor Stone and Council:

The Rotary Club of Ladysmith applauds the excellent work done by the Kinsman Club, the Town of Ladysmith and many other community minded organizations in the redevelopment of the playground at Transfer Beach.

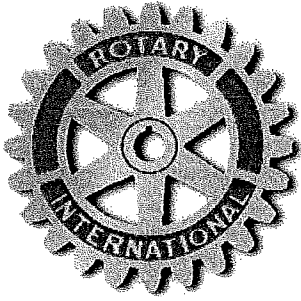
To supplement the excellent work done at the Transfer Beach Facility, the Rotary Club of Ladysmith would like to work with the Town of Ladysmith to make the playground area more accessible to people with disabilities, seniors and young families with children to small to enjoy the playground.

We propose the following improvements to be made at the park:

- Installation of two benches, estimated cost \$3210.
- Installation of a picnic table that is suitable for use by people with special needs, estimated cost \$1605.
- Installation of concrete pads for equipment and walkway to improve accessibility, estimated cost \$2675.
- Installation of split cedar fence to separate the parking lot from the playground, estimated cost \$1605.
- Miscellaneous materials; such as, lumber, nails, rebar etc., \$535.

To complete the project we will require the cooperation of the Town of Ladysmith. We propose that the Town be responsible for:

- To prepare of the site for the project
- To purchase all supplies required for the project
- To oversee project and provide direction and safety orientation to Rotary Club volunteers (Town of Ladysmith Parks Supervisor)
- To provide Rotary Club of Ladysmith copies of all invoices relating to the project



Rotary Club of Ladysmith

"Service Above Self"

The Rotary Club of Ladysmith will:

- Provide volunteers to do the work of installing the benches, table, walkways and fence,
- Provide \$9630 to pay for the project.
- Provide dedication plaques to be installed on the equipment recognizing the Rotary's contribution
- Provide two Rotarians to liaise with the Town of Ladysmith to ensure successful completion of the project.

The Rotary Club of Ladysmith will require the Town of Ladysmith to sign a Memorandum of Understanding in regards to the proposed project. A draft MOU is attached to this letter. Upon signing of the MOU, the Rotary Club of Ladysmith will deposit \$ 9630 with the Town of Ladysmith.

The project must be completed before May 31, 2016 as we are required to submit our final report by this date. If you have any questions, please contact John Mulrooney, (250) 245-4384 or Bonnie Reid, (250) 924-7686.

Yours truly;

A handwritten signature in black ink, appearing to read "Gerry Beltgens".

Gerry Beltgens
President
Rotary Club of Ladysmith



Memorandum of Understanding

between

Rotary Club of Ladysmith, the Host Partner and

The Town of Ladysmith, the Cooperating Organization.

1. Subject

District 5020 Community Grant, **"The Rotary Grant"**

Project name: Transfer Beach Park Improvement Project

2. Purpose

This document serves to establish a framework of cooperation and agreement between the aforementioned parties in order to implement a service project identified as "Transfer Beach Park Improvement Project" financed in part by a Rotary Foundation District Community Grant.

3. Shared Goals

The parties to this agreement will collaborate to achieve the following shared goals:

Develop an accessible gathering/seating area where families and community members can enjoy Transfer Beach Park.

The defined area will include the following new amenities:

- 2 benches
- 1 picnic table
- Concrete walkways and pads for the benches/picnic tables
- Fence

4. The Host Partner will

- Appoint a grant project management committee to manage the project
- Direct and coordinate local education and public relations
- Direct and coordinate local fund-raising efforts

- Receive funds from The Rotary Foundation and disburse them as required
- Provide Rotary Grant project administration and reporting
- Provide technical and professional services in support of the Rotary Grant project
- Provide volunteer training, mentoring, and financial review for the Rotary Grant project
- Seek other community support services with other resources in support of the project
- Host any visiting Rotarians who come to support or learn about the Rotary Grant project
- Perform other actions as necessary to ensure the success of the project
- After completion of the project, provide payment for all approved expenses relating to the project to the Cooperating Organization.

5. The Cooperating Organization will

- Town of Ladysmith will prepare the site for the installation of the benches and tables, determine the optimum number of benches and tables
- In partnership with Rotary Club of Ladysmith determine the type of benches and tables and the quantity of benches and tables to be ordered. The Town of Ladysmith will purchase all supplies required for the project.
- Town of Ladysmith Parks Supervisor will oversee project provide direction and safety orientation to Rotarian volunteers
- Provide advise to Rotary Club of Ladysmith on the installation of the concrete bases for the benches and tables
- Maintain clear and separate accounting of any project-related expenses and will provided Rotary copies of all invoices relating to the project
- Maintain records and statistics sufficient to complete reports to The Rotary Foundation
- Report activities and results to the Host Partner accurately and on a timely basis

6. Understandings

- All parties affirm that The Rotary Grant is initiated, controlled, and managed by the Host Partner.
- The Host Partner affirms that the Cooperating Organization is reputable and responsible and acts within all governing laws of the project country.
- All parties acknowledge that the Rotary Grant, if approved, will be awarded to the Host Partner, and not to the Cooperating Organization.
- All project funds will be in the custody of the Host Partner, and will not be managed by the Cooperating Organization.
- The Cooperating Organization must abide by The Rotary Foundation grant terms and conditions.
- The Cooperating Organization and its involvement in this project may be subject to financial and operational review/audit by The Rotary Foundation.

7. Modification

Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, and approved by The Rotary Foundation prior to any changes being performed.

8. Conflict of Interest

Any real or perceived conflicts of interest must be disclosed to The Rotary Foundation, including any Rotarians serving on the board of directors or as staff of the Cooperating Organization.

9. Primary Contacts/Signatures

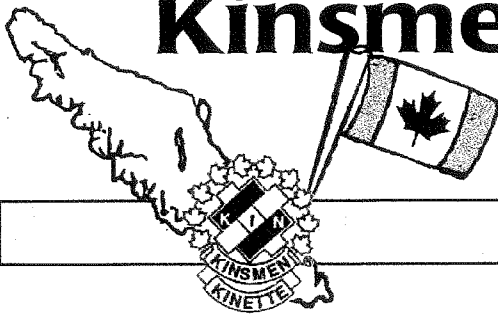
By signing below, the parties agree to the terms of this memorandum of understanding.

For the Host Partner:

Signature/Date			
Name			
Address			
Phone/Email			

For the Cooperating Organization:

Signature/Date			
Name			
Address			
Phone/Email			



Kinsmen Club of Ladysmith

On The 49th Parallel

P.O. Box 324, Ladysmith, B.C. V9G 1A3

Nov. 9th, 2014

Mayor Stone and Council
Town of Ladysmith,
P.O. Box 220
Ladysmith, B.C.
V9G 1A2

Dear Members of Ladysmith Council

The Ladysmith Kinsmen Club members are asking for a letter of support, for the Kinsmen Club, as we are submitting a grant application to the B.C. Gaming Commission for funds to help us continue what our club does in Ladysmith.

At the present time the club is working on putting in two C containers so both youth soccer and football programs can have storage for all their equipment at Forrest Field. These will be wired and heated so that all their uniforms and equipment will be protected.

Our members are also planning on putting in a drinking fountain, at the new playground at Transfer Beach, for all the families that are using the new facilities.

We are also planning on putting in a wheelchair suitable sidewalk at the playground at Brown Dr/Kin Park so that people in wheelchairs and folks using strollers can easily get to all the play areas.

The club is planning on continuing our bursaries to local students to help continue their education and we also plan on continuing our sponsorship of local kids in figures skating as well as the Chuck Tasaka Softball and Mid-Island Soccer as well as the Ladysmith Steelers Football and other youth sports.

Kinsmen are going to continue doing both annual parades for the community as well as supporting both Ladysmith Days, Festival of Lights, Loggers Sports and other local events.

This past year our members have held two "Hot Dog Days" to raise funds and food for the Foodbank and will continue this for 2016 and we are also the sponsor for the local RCMP "DARE" program for drug and alcohol awareness programs at the Intermediate School.

We are also planning our first annual FREE "thank you" event this year at the Aggie Hall. The members really appreciate the support from the entire community and feel that we need to say thank you ... and felt a fun, entertaining event would be a good way of doing this.

So in a nutshell... this is a bit of what the local Kinsmen are all about and we hope that Ladysmith Council feels the same way and would be able to give a letter of support for our application.

The Kinsmen want to thank you for your time and consideration of our request and please contact either Ron Legault, da pres, or Mike Richardson, da keeper of da money, if you have any questions.

Yours in Kin

Ron Legault
President