



PUBLIC HEALTH PROTECTION

BYLAW NO. 6989

EFFECTIVE DATE – MARCH 13, 2000

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

No. 7133	June 12, 2000
No. 7140	July 24, 2000
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No. 8254	July 23, 2007
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	<i>with the exception of sections in Part 6 as they pertain to customer service areas, which will come into effect on <u>March 31, 2009</u></i>
No. 8481	May 25, 2009

CITY OF RICHMOND

PUBLIC HEALTH PROTECTION

BYLAW NO. 6989

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CITY OF RICHMOND

**PUBLIC HEALTH PROTECTION
BYLAW NO. 6989**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

**SUBDIVISION ONE: FETAL ALCOHOL SYNDROME WARNING
SIGN REGULATION**

PART 1.1: GENERAL PROVISIONS

1.1.1 Operator Obligations

- 1.1.1.1 The **operator** of every **licenced establishment** must ensure that a fetal alcohol syndrome warning sign or signs are installed and maintained in accordance with the requirements of Part 1.2.

PART 1.2: WARNING SIGNS

1.2.1 Warning Sign Locations

- 1.2.1.1 In any **licenced establishment** where the sale of alcoholic beverages for off-premises consumption is permitted, the fetal alcohol syndrome warning signs required under the provisions of Part 1.1 must be **prominently** located where the sale or dispensing of such alcoholic beverages takes place.
- 1.2.1.2 In any **licenced establishment** where the consumption of alcoholic beverages on the premises is permitted, the fetal alcohol syndrome warning signs required under the provisions of Part 1.1, must be **prominently** located in each public washroom within such **licenced establishment**.

1.2.2 Warning Sign Dimensions and Wording

- 1.2.2.1 The fetal alcohol syndrome warning signs required under the provisions of Part 1.1 must:
- (a) have minimum dimensions of 21.5 centimetres (8 ½ in.) by 21.5 centimetres (8 ½ in.);
 - (b) have white lettering on a red background, with a minimum **letter height** of 1 centimetre (3/8 in.);
 - (c) bear the following words:

“WARNING
DRINKING DISTILLED SPIRITS, BEER, COOLERS, WINE AND
OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY
CAN CAUSE BIRTH DEFECTS”

and

- (d) be substantially in the form and style shown on Schedule A which is attached and forms a part of this bylaw.

SUBDIVISION ONE-A: ANIMAL AND BIRD REGULATION

PART 1A.1 GENERAL PROVISIONS

1A.1.1 Restrictions in All Areas of the City

1A.1.1.1 Every person must ensure that dead animals, and any animal wastes are stored and disposed of in a sanitary manner.

1A.1.2 Restrictions in Residential Areas

1A.1.2.1 A person must not slaughter any animal in any residential area or multi-family residential area.

1A.1.3 Infectious or Communicable Diseases

1A.1.3.1 A person must not bring any animal or bird infected with an infectious or communicable disease into the **City**.

1A.1.3.2 If any animal or bird kept within the **City** becomes infected with any disease communicable to humans, the owner must immediately have the animal or bird isolated and professionally treated.

1A.1.3.3 When any animal or bird is known to have died of an infectious or communicable disease, the owner must:

- (a) immediately notify the **Medical Health Officer**;
- (b) dispose of the carcass; and
- (c) clean and disinfect any area possibly infected by such carcass,

as directed by the **Medical Health Officer**.

SUBDIVISION TWO: MARINA HEALTH AND SAFETY REGULATION

PART 2.1: GENERAL PROVISIONS

- 2.1.1** The provisions of Subdivision Two apply to all **marinas** within the **City**.
- 2.1.2** The **Medical Health Officer** is hereby authorized to enter any **marina**, at reasonable times, for the purpose of inspection, to determine satisfactory compliance with the provisions of Subdivision Two.

PART 2.2: WATER SUPPLY

- 2.2.1** Every **marina operator** must ensure that:
- (a) an adequate supply of pressurized **potable water** is available:
 - (i) at a distance of not more than 150 metres (492.13 feet) walking distance from any **water craft** at the **marina**; and
 - (ii) 24 hours per day, every day, on which such **marina** is operated;
 - (b) a **potable water** connection is provided to every **liveboard vessel** and **float home**; and
 - (c) a **backflow preventor** is installed, as required by the current **Waterworks and Water Rates Bylaw** of the **City**, and the BC Plumbing Code, on each water supply connection to a dockside watering point or **water craft**.

PART 2.3: WASHROOM FACILITIES

- 2.3.1** Every **Marina Class I operator** providing moorage to **liveboard vessels** must provide:
- (a) separate washroom facilities for men and women; and
 - (b) for each sex, a minimum of one toilet, one lavatory and one shower per washroom for each 50 moorage spaces used for **liveboard vessels**.

PART 2.4: LIQUID WASTE DISPOSAL

2.4.1 Operator Obligations

- 2.4.1.1** Every **marina operator** must ensure that all **sewage** from a **marina** is discharged into a municipal sanitary sewer system, or where not available, into an **approved sewage** disposal system.

2.4.1.2 Every **marina class I operator** must:

- (a) provide every **float home** with a sewer connection;
- (b) ensure that every **liveaboard vessel** is either provided with a sewer connection, or if such connection is not made available, every **liveaboard vessel** must have an **approved** holding tank available; and
- (c) provide a central **pumpout facility** for **liveaboard vessels** utilizing holding tanks.

2.4.1.3 Where a caretaker's **float home** is permitted in a **marina class II**, such **float home** is exempted from the requirements of subsection 2.4.1.1, provided the **float home** has an **approved sewage** disposal system.

2.4.2 General Prohibitions

2.4.2.1 A person must not:

- (a) discharge sewage, **oil**, or other pollutants from any **water craft** moored at **marinas** into watercourses, and every **marina operator** must **prominently** display notices prohibiting such discharge; or
- (b) live in any moored **water craft** which does not discharge its **sewage** to a municipal sanitary sewer system or an **approved sewage** disposal system.

PART 2.5: SOLID WASTE COLLECTION AND DISPOSAL

2.5.1 Operator Obligations

2.5.1.1 Every **marina operator** must:

- (a) provide adequate covered containers for **garbage**, to be located where they may be readily available for use by **marina** employees and **water craft** users; and
- (b) regularly service and empty **garbage** containers to prevent overflowing, foul odours, and pest problems.

2.5.2 A person must not discharge **garbage** into watercourses from any **water craft** moored at **marinas** or from **marina** docks, and every **marina operator** must **prominently** display notices prohibiting such discharge.

PART 2.6: GENERAL SAFETY

2.6.1 Operator Requirements

2.6.1.1 Every **marina operator** must ensure that:

- (a) buildings, docks, floats, gangways, piers and ramps are kept in good repair and free of safety hazards;

- (b) all float walkways have a minimum width of 1.5 metres (4.92 feet) where they provide access to an upland area; or provide direct access to **water craft**;
- (c) all inclined walkways or ramps have non-skid surfaces and handrails;
- (d) all areas throughout the **marina** are illuminated by lights designed, constructed and maintained to provide a minimum average illumination of 20 lux, with critical areas such as gates, ramps and safety stations being provided with 50 lux of illumination;
- (e) life rings, assist poles or ladders from docks into the water are provided, and are conveniently located and readily accessible for use; and
- (f) there is at least one public telephone available at all times within the **marina** for emergency use.

SUBDIVISION THREE: NOISE REGULATION

PART 3.1: GENERAL NOISE LIMITS

3.1.1 Prohibitions

3.1.1.1 A person:

- (a) must not make, nor permit to be made, by any animal, or by any bird or fowl, or by any **vehicle**, conveyance, vessel, machinery, equipment or device, or by any activity; or
- (b) being the owner or occupier of real property, must not bring onto, or keep, or use on such real property, any **vehicle**, conveyance, machinery, equipment or device, or any animal, or any bird or fowl, which makes or causes to be made,

a **noise** which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

3.1.2 Objectionable or Disturbing Noises

3.1.2.1 **Council** hereby declares that the following **noises** are objectionable, or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public at a **point of reception**, notwithstanding that such **noises** may not constitute a violation of any other provision of Subdivision Three:

- (a) the **sound** made by a dog barking, howling or creating any kind of **sound** continually or sporadically or erratically for any period in excess of one-half hour of time;
- (b) the **sound** made by a combustion engine that is operated without using an effective exhaust muffling system in good working order whenever such engine is in operation;
- (c) the **sound** made by a **vehicle** or a **vehicle** with a trailer resulting in banging, clanking, squealing or other like **sounds** due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance;
- (d) the **sound** made by a **vehicle** horn or other warning device used except under circumstances required or authorized by law;
- (e) the **sound** made by **construction** activity:
 - (i) prior to 7:00 a.m. and after 8:00 p.m. on Monday to Saturday inclusive; or
 - (ii) prior to 9:00 a.m. and after 6:00 p.m. on Sundays and Statutory Holidays; and

- (f) the **sound** made by amplified music, whether pre-recorded or live, after 2:00 a.m. and before 8:00 a.m. on any day.

3.1.3 Security and Fire Alarms

- 3.1.3.1 A person must not cause, permit, or allow, a security or fire alarm:
 - (a) to sound continuously or sporadically for a period of more than 2 hours; or
 - (b) to continue to sound once the premises or **vehicle** is secure.
- 3.1.3.2 For the purposes of subsection 3.1.3.1, a person is deemed to have caused the **sound** even if the sounding of the alarm arose from malfunction of the said alarm.
- 3.1.3.3 In the event of a violation of subsection 3.1.3.1, an **inspector** may stop the alarm from sounding by:
 - (a) in the case of a house alarm, entering onto the property, including entering into any buildings on the property, and disabling the alarm by whatever means possible; and,
 - (b) in the case of a **vehicle** alarm, by having the alarm disconnected and towing the **vehicle**, at the owner's expense, to a secure storage yard.
- 3.1.3.4 Neither the **City**, any **City** employee, nor any persons authorized by the **City** to enforce Subdivision Three may be found liable for any action taken in good faith, pursuant to this section.

3.1.4 Separate Violations Under Parts 3.1 and 3.2

- 3.1.4.1 A person may be found to be in violation of Part 3.1, despite having satisfied the requirements of Part 3.2.

PART 3.2: MEASURABLE NOISE LIMITS

3.2.1 Non-Continuous Sound

- 3.2.1.1 A person must not make, cause, or permit to be made, a **non-continuous sound** exceeding **sound levels**:
 - (a) of 80 dBA or more during the **daytime**, or
 - (b) of 75 dBA or more during the **nighttime**,when received at a **point of reception** in the **City**.

3.2.2 Continuous Sound

- 3.2.2.1 A person must not make, cause, or permit to be made, a **continuous sound** exceeding **sound levels**:

(a) of 65 dBA or more during the **daytime**, or

(b) of 60 dBA or more during the **nighttime**,

when received at a **point of reception** outside a quiet zone.

3.2.2.2 A person must not make, cause or permit to be made a **continuous sound** exceeding **sound levels**:

(a) of 55 dBA or more during the **daytime**, or

(b) of 45 dBA or more during the **nighttime**,

when received at a **point of reception** within a quiet zone.

3.2.2.3 For the purposes of subsection 3.2.2.2, a quiet zone includes:

(a) those parcels of land in which the permitted uses, as specified in the **Zoning and Development Bylaw**, are primarily residential;

(b) those parcels of land located in:

- (i) Assembly District (ASY);
- (ii) Health Care Facilities District (HCF); and
- (iii) Marina District 2 (MA2)

in the **Zoning and Development Bylaw**;

(c) (i) the northerly one-half of Minoru Park; and
(ii) the School and Public Use District (SPU) in which the Kiwanis Senior Citizens Housing Society at 6251 Minoru Boulevard is located; and

(d) any area governed by an existing Land Use Contract whose primary land use is:

- (i) residential; or
- (ii) such as is permitted in Assembly District, Health Care Facilities District, or Marina District 2 in the **Zoning and Development Bylaw**.

3.2.3 Construction Noise

3.2.3.1 A person must not make, cause, or permit to be made, a sound level exceeding 80 dBA, resulting from **construction** or **construction equipment**:

(a) during the **daytime** on weekdays and Saturdays; or

(b) between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and Statutory Holidays, when received at a **point of reception** in the **City**.

3.2.4 Role of Inspector

- 3.2.4.1 Any **inspector** may measure **sound levels** with **sound level meters**, and may enter at all reasonable times upon any real property, to determine compliance with the provisions of Subdivision Three.

PART 3.3: NOISE EXEMPTIONS

3.3.1 Exemptions from Both General and Measurable Noise Limits

3.3.1.1 Exemptions for Emergencies

- 3.3.1.1.1 Notwithstanding the provisions of Parts 3.1 and 3.2, in an emergency a person may perform work, or cause or permit others to perform works, for the preservation or protection of property, life or health, but must not continue such works, nor cause such works to be continued after the emergency passes.

3.3.1.2 Exemptions authorized by the **City**

- 3.3.1.2.1 Notwithstanding the provisions of Parts 3.1 and 3.2, the **General Manager of Engineering and Public Works** or the **Director of Major Projects** may authorize work to be undertaken at any time if satisfied that:

- (a) the volume of traffic in the area of the proposed work is such as to cause danger to the workers on the job, or to cause serious traffic congestion;
- (b) the impact and inconvenience to residents in the area of the planned work can be minimized; or
- (c) the work cannot be undertaken efficiently or safely during the normal working day,

and in addition, may authorize such work to be undertaken at any time if interrupting service during working hours would cause any person undue hardship.

3.3.1.3 Exemptions for Aviation Activities

- 3.3.1.3.1 The provisions of Parts 3.1 and 3.2 do not apply to aviation activities carried on within the jurisdiction of, and in compliance with, enactments of, or authorized by, the Parliament of Canada or the Legislature of the Province of British Columbia.

3.3.1.4 Exemptions for certain classes of **vehicles**

- 3.3.1.4.1 The provisions of Parts 3.1 and 3.2 do not apply:

- (a) to any **emergency vehicle** being driven during the course of an emergency; or

- (b) to any **vehicle**, conveyance, machinery, equipment or device in use for agricultural purposes, except a device which uses **sound** as a method of bird or pest control, provided such use is between sunrise and sunset.

3.3.2 Exemptions from Measurable Noise Limits

3.3.2.1 Exemptions for other levels of Government

3.3.2.1.1 Notwithstanding the provisions of subsections 3.2.1.1, 3.2.2.1, and 3.2.2.2, the Government of Canada and the Government of British Columbia and any of their Crown Corporations, Authorities, Commissions, or Agencies, and a Municipality, the BC Hydro and Gas Company, and Telus, may during the **daytime**, except between 7:00 a.m. and 9:00 a.m. on a Sunday or Statutory Holiday, make, cause or permit to be made, a **continuous sound** or a **non-continuous sound** with a **sound level** not exceeding 87dBA when received at any of the following **points of reception**:

- (a) on a parcel of land, other than the parcel on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any property line of such first-mentioned parcel;
- (b) on a strata lot, other than the strata lot on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any property line of such first-mentioned strata lot;
- (c) on a highway, at any distance more than 16 metres (52.53 feet) from the source of such **sound**; or
- (d) on a parcel of land or strata lot through which passes a right-of-way or an easement on which such works are being performed, at any distance more than 6 metres (19.7 feet) from any boundary line of such right-of-way or easement.

3.3.2.3 Exemptions for Power Equipment

3.3.2.3.1 Notwithstanding that the **sound** from the use of **power equipment**, when received at a **point of reception**, exceeds the **sound level** permitted at such **point of reception** pursuant to subsections 3.2.1.1, 3.2.1.2, and 3.2.2.2, a person may use or cause or permit to be used, such **power equipment** during the **daytime**, except between 7:00 a.m. and 9:00 a.m. on a Sunday, if the **sound** of such **power equipment** received at the **point of reception** does not exceed a **sound level** of 82 dBA.

SUBDIVISION FOUR: PESTICIDE APPLICATION – NOTIFICATION AND SIGNAGE REGULATION

PART 4.1: NOTIFICATION PROCEDURE

4.1.1 Pesticide Application on Public Land or Grounds of Multiple Family Dwellings

4.1.1.1 A person must not apply a **pesticide** to **public land** or the grounds of a **multiple family dwelling** without having first posted public notices on the site at intervals not exceeding 50 metres (164.1 feet) around the perimeter of the treated area, provided that if the **public land** has controlled or limited public access points, such notices must be posted at the access points.

4.1.1.2 The public notices required under the provisions of subsection 4.1.1.1 must:

- (a) be placed at least 72 hours prior to the intended date of the pesticide application, and must remain posted for not less than 72 hours after application; and
- (b) conform with the provisions of section 4.2.1.

4.1.2 Pesticide Application on a Public Facility or Common Public Area

4.1.2.1 A person must not apply a **pesticide** on a **public facility** or to a common public area without having posted public notices on the site at least 72 hours prior to the intended date of the pesticide application.

4.1.2.2 The public notices required under the provisions of subsection 4.1.2.1 must remain posted for not less than 72 hours after the **pesticide** application and must:

- (a) conform with the provisions of section 4.2.1; and
- (b) be **prominently** displayed.

4.1.2.3 At least one additional public notice must be posted in the **workplace** areas of the building where the pesticide is to be applied.

4.1.3 Pesticide Application to any Dwelling Unit Occupied as Residential Accommodation in a Multiple Family Dwelling

4.1.3.1 A person must not apply a **pesticide** to any dwelling unit occupied as residential accommodation in a **multiple family dwelling** unless the occupants of such dwelling unit or units have been notified in writing at least 72 hours prior to the intended date of the pesticide application.

4.1.4 Exemption

4.1.4.1 **Spot treatments** are exempt from the provisions of Subdivision Four.

PART 4.2: PUBLIC NOTICE REQUIREMENTS

4.2.1 The public notice referred to in subsection 4.1.1.1. must:

- (a) contain the following information;
 - (i) the word "ATTENTION" in red, with a **letter height** of at least 2.5 centimetres (1 inch), followed by the words "This area will be (has been) chemically treated on or after (date)" or words of equal effect;
 - (ii) the common trade name, active ingredients and concentration of the pesticide used;
 - (iii) the date and time of the pesticide application;
 - (iv) the name and telephone number of the person applying the pesticide, in a **letter height** of at least 1.5 centimetres (0.6 inches) in capitals in a colour which contrasts with the background;
 - (v) the words "AVOID CONTACT WITH TREATED AREAS";
 - (vi) the current phone number of the Poison Control Centre; and
- (b) be rectangular in shape;
- (c) be at least 28 centimetres (11 inches) by 43 centimetres (17 inches) in size; and
- (d) be made of durable, rain-resistant material.

4.2.2 The public notice referred to in subsection 4.1.2.1 must contain the following information:

- (a) a description of the area to be treated and the common name of the pest;
- (b) the common trade-name, active ingredients and concentrations of the pesticide;
- (c) the date and time of the proposed application;
- (d) the name and telephone number of the person who will apply the pesticide;
- (e) advice and precautions for the occupants; and
- (f) the current phone number of the Poison Control Centre.

PART 4.3: AUTHORITY OF THE MEDICAL HEALTH OFFICER

4.3.1 The **Medical Health Officer** is authorized to administer the provisions of Parts 4.1 and 4.2, and, for that purpose may:

- (a) issue a written notice requiring a person who has not complied with the requirements of Parts 4.1 and 4.2 to comply, by a specified date, with any deficiencies specified in such notice; and
- (b) enter at all reasonable times on any premises to determine compliance with the requirements of Parts 4.1 and 4.2.

SUBDIVISION FIVE: MOSQUITOES AND RODENT (COMMUNICABLE DISEASE) CONTROL REGULATION

PART 5.1: GENERAL PROVISIONS

5.1.1 Prohibitions

5.1.1.1 A person must not:

- (a) keep or store any waste products, construction material or debris, refuse or other material in such a manner as to provide shelter, refuge or food for **rodents**;
- (b) allow or permit the accumulation of waste food products, animal feed or any other foodstuffs on any property within the **City**, unless such waste food products, animal feed or any other foodstuffs are properly contained or properly disposed of so as not to provide a food source for **rodents**;
- (c) keep or maintain any animals or birds in such a manner so as to provide shelter, refuge or food for **rodents**; or,
- (d) cause or permit water, construction material or debris, refuse or other material to collect or accumulate in such a manner as to provide **mosquito** breeding sites.

5.1.2 Obligations

5.1.2.1 Every person must:

- (a) construct, repair or alter any buildings, structures, plumbing, drainage pipes or any other item to ensure that **rodents** or **mosquitoes** do not have access to the building, provide **rodent** harbourage or **mosquito** breeding sites;
- (b) destroy or eliminate any food which is unfit for human consumption, by reason of contamination by **rodents**;
- (c) remove any water, construction material or debris, refuse or other material to ensure that they cannot use the site for **mosquito** breeding.

5.1.3 Authority of Medical Health Officer

5.1.3.1 The **Medical Health Officer** is authorized to enter onto any land or into any buildings for the purpose of determining the presence of **rodents** or **mosquitoes** on such property, and may order any person to take steps which are necessary to control **rodents** or **mosquitoes** on that property.

- 5.1.3.2 In the event the order given under the authority of subsection 5.1.3.1 is not complied with, the **Medical Health Officer** is further authorized to enter the property in order to carry out terms of the order to control **rodents** or **mosquitoes**, and in the event the costs are not paid within 30 days after being invoiced, the amount outstanding may be added to and form part of the taxes payable on the property as taxes in arrears.”

SUBDIVISION SIX: SMOKING CONTROL AND REGULATION

PART 6.1: AREAS OF SMOKING PROHIBITION

6.1.1 A person must not **smoke**:

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

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

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

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

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

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

PART 6.2: SIGN REQUIREMENTS

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

- (a) is **prominently** displayed and maintained at the location where the sign is required;
- (b) carries the text “No Smoking”, in either capital or lower case letters or a combination of both;
- (c) consists of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering must contrast with the background colour;
- (d) has not less than the following **letter height**, based upon the following maximum viewing distances, in a direct line of sight:

<u>Viewing Distances</u>	<u>Letter Height</u>
3 metres (10 feet) or less	2.5 centimetres (1 inch)
6.1 metres (20 feet) or less	5.1 centimetres (2 inches)
12.2 metres (40 feet) or less	7.6 centimetres (3 inches)
24.4 metres (80 feet) or less	10.2 centimetres (4 inches)
48.8 metres (160 feet) or less	15.2 centimetres (6 inches)
73.1 metres (240 feet) or less	20.3 centimetres (8 inches); and

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

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

in letters not less than 1.3 centimetres (1/2 inch) in height for signs with **letter height** of 2.5 centimetres (1 inch), and not less than one-quarter of the height of the letters on all other sizes of letters.

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

6.2.3 Each international symbol referred to in section 6.2.2 must:

- (a) include the text at the bottom of each sign “City of Richmond Public Health Protection Bylaw No. 6989, Maximum Penalty \$1,000” in a **letter height** which is at least 5% of the diameter of the circle in the symbol, and appropriate symbols such as directional arrows may be added; and
- (b) have a circle diameter of not less than the following dimensions, based upon the following maximum viewing distances, in a direct line of sight:

<u>Viewing Distances</u>	<u>Circle Diameter of Symbol</u>
3 metres (10 feet) or less	10.2 centimetres (4 inches)
6.1 metres (20 feet) or less	15.2 centimetres (6 inches)
12.2 metres (40 feet) or less	20.3 centimetres (8 inches)
24.4 metres (80 feet) or less	30.4 centimetres (12 inches)
48.8 metres (160 feet) or less	40.6 centimetres (16 inches)
73.1 metres (240 feet) or less	60.8 centimetres (24 inches)

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

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

PART 6.3: OUTDOOR SPORT FACILITY REGULATIONS

6.3.1 No person shall light a cigarette, cigar, pipe or other smoking equipment, **smoke** or use tobacco in any other manner, on or within twenty-five (25) metres of any **outdoor sport facility** or **playground**.

SUBDIVISION SEVEN: VIOLATIONS AND PENALTIES

PART 7.1 VIOLATIONS AND PENALTIES -

7.1.1 Any **operator, responsible person** or person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
or
- (b) fails to comply with any of the provisions of Subdivision Six; or
- (c) neglects or refrains from doing anything required under the provisions of Subdivision Six;

is deemed to have committed an infraction of, or an offence against this bylaw of this bylaw and is liable on summary conviction, to a fine not to exceed \$10,000, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

SUBDIVISION EIGHT: INTERPRETATION

PART 8.1 In this bylaw, unless the context otherwise requires:

- APPROVED** means approved in writing by the **Medical Health Officer**.
- BACKFLOW PREVENTER** means an device or method to prevent a back flow of contaminants into a **potable water** supply system.
- BUILDING** means a structure or portion of a structure, including foundations and supporting structures for equipment or machinery or both, which is used or intended to be used for supporting or sheltering a use, persons, animals or property.
- BUSINESS** means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit, whether in or from **premises** within the **City**.
- CARRIES ON BUSINESS** means carries on a commercial or industrial undertaking of any kind or nature or provides a professional, personal or other service and includes the carrying on of an activity in a **government office**.
- CITY** means the City of Richmond
- COMMERCIAL ENTERTAINMENT ESTABLISHMENT** means an establishment in which, in return for consideration, the public is entertained, amused, or otherwise diverted, and includes amusement park, botanical garden, bowling alley, cabaret, carnival, circus, dance academy or hall, discotheque, exhibit, golf course or driving range, menagerie, movie theatre, nightclub, recreation centre, recreation facility, recreation park, and tennis court, but specifically excludes casino.
- COMMON AREA** means any part of a **building** or **premises** that is available for common use by the occupants or that is generally open to and accessible by the public, including but not limited to a lobby, foyer, lounge, stairwell, elevator, escalator, corridor, cloakroom, washroom, amenity room, food fair seating area, and the common property of a strata corporation or cooperative association.
- CONSTRUCTION** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alterations and the structural installation of construction components and materials in any form or for any purpose, and includes any work being undertaken in connection with construction.

CONSTRUCTION EQUIPMENT

means any equipment or device designed and intended for use in **construction**, or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and roller, pumps, concrete mixers, graders, or other material-handling equipment.

CONTINUOUS SOUND

means any **sound** occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically, but totalling more than three minutes in any fifteen minute period.

CUSTOMER SERVICE AREA

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

CUSTOMER SERVICE LINE

means an indoor queue of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to, sales, provision of information, transactions or advice and transfers of money or goods.

COUNCIL

means the Council of the **City** of Richmond.

DAYTIME

means from 7:00 a.m. to 8:00 p.m. in the same day.

DECIBEL

means the ratio between levels of **sound** pressure expressed at 20 times the logarithm to the base 10 of the said ratio, and are to be recorded on the "A" scale, and with an approved noise meter on the **slow response** setting.

DIRECTOR OF MAJOR PROJECTS

means the **Director of Major Projects** in the Chief Administrator's Office of the City."

DISCHARGE

includes, but not so as to limit its meaning, any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping.

DWELLING UNIT

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

EMERGENCY VEHICLE

means the interpretation given in the *Motor Vehicle Act*.

ENDEMIC	means the constant presence of a disease or infectious agent within a given geographic area.
FOOD SERVICE ESTABLISHMENT	means any food premises as defined in the British Columbia Regulations Governing the Sanitation and Operation of Food Premises.
FLOAT HOME	means a structure incorporating a flotation system, intended for use or being used or occupied for residential purposes containing one dwelling unit only and not primarily intended for, or usable in, navigation, but excludes a water craft designed or intended for navigation.
GARBAGE	means any and all accumulations of general rubbish or discarded materials resulting from the activities conducted on a particular property.
GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering & Public Works, and includes a person designated as an alternate.
INSPECTOR	includes the Medical Health Officer , the Chief Public Health Inspector, a Bylaw Enforcement Officer employed by the City , a Peace Officer, and any employee acting under the supervision of any of them.
LETTER HEIGHT	means the actual height of the letter, regardless of whether it is a capital or lower case letter.
LICENCED ESTABLISHMENT	means any establishment licenced under the provisions of the Liquor Control & Licencing Act.
LIVEABOARD VESSEL	means any water craft intended primarily for use in navigation, and only incidentally used for residential purposes, and includes houseboats, sailboats, tugboats, powerboats or fish boats.
MARINA	means any installation operated under public or private ownership which provides moorage space for water craft , either free of charge or by payment of fee, and includes marina class I and marina class II .
MARINA CLASS I	means any installation operated under public or private ownership which provides moorage space for water craft either free of charge or by payment of fee, and such water craft may be used as living quarters.
MARINA CLASS II	means any installation operated under public or private ownership which provides moorage for water craft either free of charge or by payment of fee, and such water craft may not be used as living quarters at the marina .

MARINE TOILET	means any toilet on, or within, a water craft used to discharge sewage .
MEDICAL HEALTH OFFICER	means the Medical Health Officer appointed under the Health Act, or his designate, to act within the limits of the jurisdiction of any local board, or within any health district.
MOSQUITO	means any insect of the Order Diptera, Family Culicidae, capable of transmitting an endemic disease to humans.
MULTIPLE FAMILY DWELLING	means any building with three or more dwelling units, but does not include any area in a building which is not normally readily accessible to the general public or to the residential occupants of the building.
NIGHTTIME	means from 8:00 p.m. to 7:00 a.m. of the following day.
NON-CONTINUOUS SOUND	means any sound other than a continuous sound .
NOISE	includes any sound , continuous sound or non-continuous sound which: (a) disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood in which such sound is received, or, of any reasonable person in the vicinity of the source of such sound who receives such sound ; or, (b) exceeds a sound level permitted by this bylaw at the point of reception of such sound ; or, (c) is deemed an objectionable or disturbing noise in section 3.1.2.
OIL	means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes, but does not include dredged spoil;
OPERATOR	means any person who, as a proprietor, lessee, manager, employee, or otherwise, carries on the operating of a facility or business on behalf of a licensee, if applicable, and includes any person managing or supervising such facility or business.
OUTDOOR SPORT FACILITY	means City owned natural and synthetic turf sports fields, ball diamonds, stadiums, track and field facilities, lawn bowling greens, golf courses, horseshoe pitching pits, lacrosse boxes, tennis courts and outdoor swimming pools.

PESTICIDE	means any substance or mixture of substances intended for killing, controlling or managing insects, fungi, weeds and other forms of life that are considered to be pests, but does not include rodenticides, avicides or those substances listed as exempted pesticides in the regulations of the <i>Pesticide Control Act (BC)</i> .
PLACES OF PUBLIC ASSEMBLY	means a building or portion of such building used for gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement, including a shopping mall and a bingo hall, but does not include a private residential dwelling.
PLAYGROUND	means City owned playground equipment, including the surrounding playground safety surfacing.
POINT OF RECEPTION	unless otherwise defined means: (a) any place or parcel where the originating sound is received, other than the place or parcel where the sound originated, provided that after 2:00 a.m. and before 8:00 a.m. on any day, point of reception is any point beyond the property line, of the source of the noise , on any parcel used as a site for a Commercial Entertainment Establishment as if it was in a Quiet Zone; or (b) any place on a strata lot designated, shown or described on a strata plan, other than the strata lot or other or parcel from which the sound originated.
POTABLE WATER	means water which has been approved for drinking purposes by the Medical Health Officer .
POWER EQUIPMENT	means any equipment or machinery used in lawn and garden care or in building and property maintenance, and includes but is not limited to leaf blowers, edge trimmers, line trimmers, rototillers, lawnmowers, pressure washers, carpet cleaning equipment, and hand-operated power tools.
PREMISES	means a portion of a building in respect of which a person or business has exclusive possession.
PROMINENTLY	means of such a size and placed in such a position that the text of the sign or the graphic symbol, or the notice, whichever is applicable, is clearly visible to all persons in the vicinity.
PUBLIC FACILITY	means a building or facility which is operated, wholly or in part, by or for the City and into which the public is invited.

PUBLIC LAND	means land, whether covered by water or not, which is owned or controlled by the City , the Greater Vancouver Regional District, the Greater Vancouver Sewerage and Drainage District, the Richmond School Board, the Vancouver/Richmond Health Board, a college or college council, a hospital or a crown corporation and which is generally accessible to the public.
PUMPOUT FACILITY	means an approved device or method for removing sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet on a water craft .
RECEPTION AREA	means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment.
RESPONSIBLE PERSON	means a person who owns, controls, manages, or supervises a business, building, premises, common area, customer service area, place of public assembly, or a vehicle for hire , and without limitation, includes an operator and the driver of a vehicle for hire .
RODENT	means any of a large group of small gnawing animals, including rats and mice, that may create a potential or real public health problem or nuisance.
SEWAGE	means human excretions or the water-carried wastes from drinking, culinary purposes, ablutions, laundering, food processing, or ice producing.
SHOPPING MALL	means an area of a building or structure to which the public have access as of right or by invitation, expressed or implied, that is used in common by two or more retail stores for the purpose of providing access to customers and to which area the retail stores are physically closed when not in operation.
SMOKE OR SMOKING	means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other weed or substance.
SOUND	is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. - elastic, viscous), or the superposition of such propagated oscillations, which oscillations are capable of causing an auditory sensation.
SOUND LEVEL	means the sound-pressure level in decibels, measured using the "A" weighting network and slow response setting of an approved sound meter.

SOUND LEVEL METER	is a device calibrated for the measurement of sound , and, includes those devices listed in ANSI type II or IEC 123.
SPOT TREATMENT	means pesticide application to a localized or restricted area.
VEHICLE	means the interpretation given in the <i>Motor Vehicle Act</i> .
VEHICLE FOR HIRE	means a Vehicle For Hire described in the City's Vehicle for Hire Regulation Bylaw No. 6900 , as amended or replaced from time to time.
WATER CRAFT	means any boat, hull, barge or float home which is afloat, whether self-propelled or not, and includes both pleasure and commercial crafts.
WORKPLACE	includes the whole or any part of a building, structure or passenger conveyance in which a person carries on business , but does not include a private residence.
ZONING & DEVELOPMENT BYLAW	means the current Zoning and Development Bylaw of the City .

PART 8.2 Where:

- (a) any word or term or name or abbreviated word or abbreviated term or abbreviated name used in Subdivision Three is not defined in Subdivision Eight; or
- (b) any technical standard or abbreviated technical standard that is used in Subdivision Three is not set out in this bylaw,

such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated technical standard is to be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (CSA), or by the American National Standards Institute (ANSI), or by the International Organization for Standardization (ISO), or by the International Electro-Technical Commission (IEC), or by the Society of Automotive Engineers (SAE), or by the Machinery and Equipment Manufacturers Association of Canada (MEMAC), as the context of this bylaw and the case may require.

SUBDIVISION NINE: PREVIOUS BYLAW REPEAL

- 9.1** Fetal Alcohol Syndrome Warning Sign Bylaw No. 5673 (adopted July 22nd, 1991), is hereby repealed.
- 9.2** City of Richmond Food Handler Bylaw No. 5692 (adopted June 24th, 1991), is hereby repealed.
- 9.3** Marina Health & Safety Regulation Bylaw No. 5138 (adopted July 11th, 1988), is hereby repealed.
- 9.4** Noise Control Bylaw No. 5401 (adopted November 14th, 1989) and the following amendment bylaws are hereby repealed:

<u>BYLAW NO.</u>	<u>ADOPTED ON</u>
6714	March 10 th , 1997
6836	February 9 th , 1998
6928	June 22 nd , 1998

- 9.5** The Corporation of the Township of Richmond Notification and Signage of Pesticide Applications Bylaw No. 5469 (adopted on January 22, 1990), is hereby repealed.
- 9.6** Rodent (Communicable Disease) Control Bylaw No. 4172 (adopted on March 28, 1983), is hereby repealed.
- 9.7** Smoking Control Bylaw No. 4514 (adopted on April 14, 1986), and the following amendment bylaws, are hereby repealed:

<u>BYLAW NO.</u>	<u>ADOPTED ON</u>
5241	November 14, 1988
6637	August 26, 1996
6907	June 22, 1998

- 9.8** Smoking in the Workplace Bylaw No. 4762 (adopted on March 23, 1987) is hereby repealed.
- 9.9** Eating and Drinking Establishment Regulation Bylaw No. 1608 (adopted on December 1, 1958), is hereby repealed.
- 9.10** Noxious Insect Control Bylaw No. 1961 (adopted on April 29, 1963), is hereby repealed.
- 9.11** Poison Gas Fumigation Regulation Bylaw No. 1792 (adopted on October 17, 1960), is hereby repealed.

SUBDIVISION TEN: SEVERABILITY AND BYLAW CITATION

- 10.1** The provisions of this bylaw are severable, and if, for any reason, any subdivision, part, section, subsection, clause, or sub-clause, or other words in this bylaw are for any reason, found to be invalid or unenforceable by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

- 10.2** This bylaw is cited as "**Public Health Protection Bylaw No. 6989**".

**SCHEDULE A to
BYLAW NO. 6989**

WARNING:

**Drinking Distilled Spirits,
Beer, Coolers, Wine and
Other Alcoholic
Beverages During
Pregnancy can Cause
Birth Defects.**

City of Richmond Public Health Protection Bylaw