

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, May 19, 2009 at 10:00 am in the Council Chambers 1350 Aster Street. This is meeting No. 0013

Time	Item of Business	Page No.
10:00 a.m.	<p>1. CALL TO ORDER</p> <p>2. APPROVAL OF AGENDA</p> <p style="padding-left: 40px;">Recommendation: THAT the agenda be approved as presented</p>	
10:00 a.m.	<p>3. Health and Economic Benefits of Adopting a Smoking Bylaw: Report to Council - Rosanna Holehouse, Tobacco Reduction Coordinator Sea to Sky</p> <p style="padding-left: 40px;">Recommendation: THAT Staff be directed to draft a Smoking Regulation Bylaw for First, Second and Third Reading on June 2, 2009.</p>	2
10:30 a.m.	<p>4. Regional Growth Strategy Update – Caroline Lamont & Michael Rosen</p> <p style="padding-left: 40px;">Recommendation: THAT the report from the Planning Consultant, dated May 19, 2009, entitled Regional Growth Strategy – Update (May, 2009) be received for information.</p> <p style="padding-left: 40px;">The RGS document is available on line. Simply click on RGS document above and SLRD Bylaw No. 1062, 2008 will be provided for review. Paper copies of the Bylaw are available upon request – please contact Sheena.</p>	34
11:15 a.m.	5. ElderGo! Financial Update – Discussion	41
11:30 a.m.	6. Retreat Update - Discussion	43
Noon	7. ADJOURNMENT	

From the Office of the Medical Health Officer

May 7, 2009

Mayor and Council
Village of Pemberton
PO Box 100
Pemberton, BC
V0N 2L0

Dear Mayor Sturdy and Council,

On behalf of Vancouver Coastal Health I am encouraging the Village of Pemberton to support and adopt a 'gold standard' smoking bylaw. The adoption of this bylaw will demonstrate that Pemberton is committed to improving the health of its citizens and guests. By exceeding Provincial Tobacco legislation and prohibiting smoking on food establishment patios, within 6 meters of doors, windows and air intakes, and within 25 meters of parks, playgrounds, outdoor venues, transit shelters and playing fields, citizens and guests of the Village of Pemberton will be further protected from the harmful effects of second hand smoke.

Restricting outdoor smoking is scientifically justifiable, as tobacco smoke contains at least 172 toxic substances, including 67 known human or animal carcinogens.¹ Your Smoking Regulation Bylaw will help protect those who are at acute risk from exposure to second-hand smoke, such as individuals who suffer from respiratory illness, especially children.

By adopting this comprehensive smoking bylaw Pemberton will continue to show its leadership in healthy living and sets an exceptional example for other national and international municipalities to follow.

Yours truly,



Paul Martiquet
Medical Health Officer

¹ Repace, James (2008). Fact Sheet: Outdoor Air Pollution from Secondhand Smoke.



Canadian
Cancer
Society

BRITISH COLUMBIA AND YUKON

Greater Vancouver Region
#205 – 126 East 15th Street
North Vancouver, BC V7L 2P9
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sberisavac@bc.cancer.ca www.cancer.ca

Village of Pemberton
7400 Prospect Street
Pemberton, BC V0N 2L0

May 11, 2009

Dear Mayor Sturdy and members of Council,

On behalf of the Canadian Cancer Society, BC & Yukon Division, we encourage the Village of Pemberton to implement a tobacco bylaw which would prohibit smoking on patios, parks, playgrounds, and sporting fields, as well as within 6 metres of doors, air intakes and windows.

Smoke-free outdoor public places make sense; they ensure that tobacco smoke will not pose a health risk to all members and visitors in the community. Smoke-free places send a message to the community that smoking is not the norm. They also have an impact on smoking rates by discouraging youth from starting to smoke, allowing more ex-smokers to successfully stay smoke-free, and motivating more smokers to quit.

Exposure to second-hand smoke is still a health issue and concern; it kills up to 140 British Columbians each year. Exposure can cause lung cancer and heart disease in non-smoking adults, low birth weight, sudden infant death syndrome, childhood cancers, asthma, and respiratory problems in children. There is no safe level of exposure (US Surgeon General, 2006).

Support for such bans exists in British Columbia. According to a 2008 Ipsos Reid public opinion survey conducted by the Canadian Cancer Society:

- 84 percent of British Columbians support a ban at stadiums
- 81 per cent of British Columbians support a ban within 7 metres of entrances, windows and public places
- 76 per cent of British Columbians support a ban on sports fields
- 75 per cent of British Columbians support a ban on parks and playing grounds
- 72 per cent of British Columbians support a ban at outdoor sporting venues
- 65 per cent of British Columbians support a ban on patios

In June 2009, Whistler will be the host of the largest gathering of Canadian Political leaders. The Federation of Canadian Municipalities Conference and Municipal EXPO™ will bring together over 1600 municipal decision makers from across Canada. The Canadian Cancer Society will be a silver sponsor at this event and will focus its efforts on cancer prevention, including smoke-free places, and plans to highlight some of the municipalities that have led the way on this issue.

It is our hope that the Village of Pemberton will show leadership in this area and can be highlighted at this conference by implementing a model bylaw; one that protects its citizens and visitors from second-hand smoke, de-normalizes tobacco use, and removes the temptation for those smokers struggling to quit.

In best health,

Stacey Berisavac
Community Action Coordinator
sberisavac@bc.cancer.ca
604.328.7202

Pemberton Smoking Bylaw Briefing Paper

The harmful health effects of second hand smoke, also known as environmental tobacco smoke are well established. Second hand smoke exposure is the third leading preventable cause of death in Canada after smoking and alcohol use, killing an estimated 4,700 Canadians annually.¹ In BC about 50 non-smokers die from lung cancer due to exposure to second-hand smoke each year.²

In the document ‘Six Major conclusions of the Surgeon General Report’ the following is identified:

- Second hand smoke exposure causes disease and premature death in children and adults who do not smoke.
- Children exposed to second hand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma.
- Exposure of adults to second hand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.

The Surgeon General Report also states that *“there is no risk free level of exposure to second hand smoke”* and identifies that second hand smoke has been designated as a known human carcinogen (cancer causing agent) by the U.S Environmental Protection Agency, National Toxicology Program and the International Agency for Research on Cancer.

In a July 2006 report from the Center for Addictions Research of BC entitled *Core Components of Effective Regional Tobacco Control*, their review of the scientific literature identified:

“Smoking bans in public places (or clean air regulations) are a critical element to comprehensive tobacco control, standing as the most effective means for reducing second hand smoke exposure, and as key tools in preventing tobacco use,

¹Second Hand Smoke - Physicians For A Smoke Free Canada Fact Sheet, June 26, 2006

² Tobacco Use in BC, 1997

decreasing consumption, reducing serious health-related hospital admissions, increasing quit attempts and boosting overall cessation rates.”

Implementing a smoking bylaw in Pemberton would provide consistent protection from exposure to secondhand smoke on hospitality patios, parks, playgrounds and playing fields, and within 6 meters of entranceways, windows and air-intakes for all children, staff, community members and guests. It will also “level the playing field” for all businesses and provide a degree of protection that is indicated as appropriate in current scientific literature.

The May 2004 Health Canada report *The Economic Impact of Smoke Free Workplaces* conclude smoking bans do not negatively impact on the profitability of public establishments. The Health Canada report says:

“Without exception, all the studies come to the same unequivocal conclusion: Smoke free legislation has no adverse impact on business. Some studies find that smoke bans may possibly have a positive impact, but none find evidence of any negative impact. It is therefore proven beyond any reasonable doubt that smoking bans do not adversely affect aggregate restaurant, bar and hotel sales. Further the probability that every published study analyzing verifiable sales tax data receipts could be wrong is close to zero.”

Implementing smoke-free legislation is a worldwide trend. Smoking bylaws have already been adopted by 22 municipalities across Canada, including the City of Vancouver, the City of Richmond, the Capital Regional District and the District of Squamish.

Health and Economic Benefits of Adopting a Smoking Bylaw: Report to Pemberton Council

**Prepared by: Rosanna Holehouse, Tobacco Reduction Coordinator
Sea-to-Sky
May 7, 2009**

Summary of Report

For the health of the citizens and guests of Pemberton we encourage council to adopt a smoking bylaw that is in alignment with the Cities of Vancouver and Richmond, the Resort Municipality of Whistler (RMOW) and the District of Squamish.

Adopting a smoking bylaw is an important public health initiative. Consider the following:

- Second hand smoke causes disease and premature death in children and adults who do not smoke. Even brief exposure can be dangerous.
- Healthy lifestyles and smoke-free living is fast becoming the norm. BC leads the country with the lowest smoking rate (15%)¹ and boasts some of the most comprehensive municipal smoking bylaws in Canada.
- Demand for outdoor public smoke-free spaces is on the rise. Non- smokers are no longer tolerating other people's smoke around them or their children.
- Implementing smoke-free legislation is becoming a worldwide trend. **Smoke-free bylaws are currently the single most important public health initiative available at the municipal level to protect the well being of its citizens.**²
- All reliable, peer-reviewed research shows that businesses are not adversely affected by smoking regulations.
- Smoking bylaws adopted by other municipalities have shown to be largely self-enforcing.

Immediate and long-term benefits of adopting a smoking bylaw:

- Consistent health protection from second-hand smoke exposure for Pemberton community members, staff and guests.
- Consistent smoking regulations for guests traveling throughout the Sea-to-Sky Corridor (minimizes confusion).
- Important component of meeting the goal of BC becoming the healthiest jurisdiction to host the Olympic and Paralympic Games.
- Consistent health messaging for youth and young adults regarding the adverse effects of smoking and the change in social norms.
- "Levels the playing field" for all businesses.

¹ Health Canada (2008). Canadian Tobacco Use Monitoring Survey (CTUMS).

² City of Ottawa (2002). Ottawa's smoke-free bylaws: lessons learned toolkit. Corporate Services, Communications & Marketing: Ottawa, Canada.

- Decrease in environmental pollution from cigarette butts.

Current Situation

Second-hand smoke is a serious public health hazard, known to cause lung disease, heart disease, cancer, respiratory illnesses and a host of other serious conditions in non-smokers. In Canada, second-hand smoke is the third leading cause of preventable death after alcohol and smoking, killing more than 1,000 non-smokers every year. In BC about 50 non-smokers die from lung cancer due to exposure to second-hand smoke each year.³

In 2006, The U.S. Surgeon General issued a scientific report, which concludes that: “The scientific evidence is now indisputable: secondhand smoke is not a mere annoyance. It is a serious health hazard that can lead to disease and premature death in children. Secondhand smoke contains more than 50 cancer-causing chemicals, and is itself a known human carcinogen. Even brief exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and increases risk for heart disease and lung cancer”.⁴

In March 2008, the BC government introduced provincial legislation that banned smoking in all indoor public spaces, workplaces, and within 3 meters of entranceways, windows and air intakes. Although a good step, research has shown that second-hand smoke does not quickly dissipate in outdoor settings, as we once thought.

Municipalities and regional governments have the authority to pass smoking bylaws that are stronger than provincial legislation. There are a number of municipalities that have taken a leadership role to protect their residents by implementing smoking bylaws that exceed the new provincial legislation by prohibiting smoking on patios, including the Capital Regional District, and the Cities of Vancouver and Richmond (see Appendix B for complete list). There are also a growing number of municipalities (ie. Toronto, Richmond, Squamish) that are prohibiting smoking in specified outdoor locations such as parks, playgrounds and playing fields.

Benefits of Adopting a Smoking Bylaw

The Center for Addictions Research of BC July 2006 report *Core Components of Effective Regional Tobacco Control* identifies that smoking bans reduce exposure to second hand smoke, reduce health-related hospital admissions, and boost tobacco cessation rates, all of which contribute to reduced health care costs and an improvement in the overall health of the community.

As the adverse health effects of second-hand smoke become known internationally, a trend towards implementing smoke-free provisions on a global scale is emerging. For example, as of 2007 countries such as Ireland, Scotland, Germany, France, Italy, Norway, England, Lithuania,

³ Tobacco Use in BC, 1997

⁴ U.S. Department of Health and Human Services (2006). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.

Hong Kong, New Zealand, and Australia had enacted smoking bans on either a national or state level.⁵

In the United States, there are **1,575** municipalities with a local law in effect that restricts smoking in one or more outdoor areas, including **826** that restrict smoking near entrances, windows, and ventilation systems of enclosed places; **981** that restrict smoking in public outdoor places such as parks and beaches; and **454** that restrict smoking in outdoor stadiums and other sports and entertainment venues.⁶

On a national level, as of March 2008, seven provinces had municipalities that adopted smoking bylaws that *exceeded* their provincial legislation.

In BC, A handful of municipalities have implemented their own smoke-free bylaws banning smoking on outdoor patios, including the Capital Regional District, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, and the City of White Rock. Further, the Vancouver Coastal Health Authority has discussed banning smoking on beaches, while the City of White Rock is exploring banning smoking in all public gathering places, including outdoor parks and playgrounds. The District of Squamish has banned smoking on public municipal open spaces.

De-normalization of Smoking for Youth

Every 10 minutes, two Canadian teenagers start smoking cigarettes; one of them will lose his/her life because of it.⁷ Comprehensive smoking laws have shown to be an effective means of curbing the uptake of smoking by youth and young adults. **It has been shown that comprehensive smoking restrictions lead to reductions in population smoking rates and to the changes in social norms regarding smoking behaviour, especially among youth.**⁸ Ninety percent of people who start smoking do so in their teens.⁹

Smoke-free Parks, Playgrounds and Playing Fields

Experts and evidence suggest that a failure to ban smoking in outdoor venues such as parks, playgrounds, and open outdoor spaces may expose non-smokers to levels of secondhand smoke as high, or higher, than exposure in indoor spaces where smoking is restricted.¹⁰

Children are more susceptible to the health problems associated with exposure to secondhand smoke, as their lungs are still developing. Children who are exposed to second-hand smoke have double the risk of getting bronchitis and pneumonia. They also get more ear infections and suffer more from chronic coughing, wheezing and breathlessness.¹¹

⁵ ASH. International Trends Towards Smoke-Free Provision (Updated January 2007). www.ash.org.uk/files/documents/ASH_304.pdf

⁶ ANRF(2009). Overview List - How Many Smoke-Free laws? www.no-smoke.org

⁷ Health Canada (2008) <http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/about-apropos/index-eng.php>

⁸ Tobacco and Public Health: Science & Policy (2004)

⁹ Canadian Community Health Survey (2005)

¹⁰ Repace JL. Banning Outdoor Smoking is Scientifically Justifiable. *Tobacco Control* 9: 98, 2000

¹¹ Ministry of Health. The Harmful Effects of Second Hand Smoke (BC Healthfiles).

Decrease in Environmental Impact of Cigarette Butts

Cigarettes don't just add to air pollution, they make up the majority of street pollution as well. Cigarette butts discarded onto sidewalks and streets eventually make their way into storm drains that lead directly to the ocean; causing harm to wildlife and water quality. Filters made of cellulose acetate can take several months to 15 years to break down (they do not biodegrade).¹² As filters break down, they leach toxic chemicals into watersheds, streams, lakes, and oceans.

Economic Impact of Smoking Regulations on Businesses

The May 2004 Health Canada report *The Economic Impact of Smoke Free Workplaces* concluded smoking bans do not negatively impact on the profitability of public establishments. The Health Canada report summarizes their findings:

“Without exception, all the studies come to the same unequivocal conclusion: Smoke free legislation has no adverse impact on business. Some studies find that smoke bans may possibly have a positive impact, but none find evidence of any negative impact. It is therefore proven beyond any reasonable doubt that smoking bans do not adversely affect aggregate restaurant, bar and hotel sales. Further the probability that every published study analyzing verifiable sales tax data receipts could be wrong is close to zero.”

¹² Novotny, T. E. & Zhao, F. (1999) Consumption and production waste: another externality of tobacco use. *Tobacco Control*, 8, 75-80.

Appendix A – Frequently Asked Questions About a Smoke-free Bylaw (adapted from Northwestern Health Unit, Ontario, 2002 & Campaign for a Smoke-Free Alberta, 2007)

Why should patios be smoke-free?

Smoke-free patios maintain a level playing field for health and for business. The concentration of smoking on patios that permit smoking is itself a health hazard, as there is no known safe level of exposure to second-hand cigarette smoke. In addition, smoke from outdoor patios will often enter the inside part of the establishment through passageways. From a business perspective, permitting smoking at establishments that have the physical space to accommodate a patio may create an uneven playing field for those who do not have patios. Also, the many definitions of what is construed to be a patio are extremely problematic for enforcement.

Why are we increasing the buffer zone from 3 meters to 6 meters from doors, windows and air- intakes?

The science is still emerging on outdoor second- hand smoke exposure. However, current research indicates that smoke levels do not decrease to background levels for fine particles or carcinogens until about 7 meters from the source.

Isn't smoking an individual choice?

Smoking is an addiction that generally begins in adolescence. Unfortunately, youthful experimentation with smoking often becomes a lifelong addiction. Most smokers want to quit but have a difficult time because they are addicted, and because of the many “triggers” for relapse they are exposed to, such as seeing someone else smoking.

Don't smokers have the right to smoke?

Providing smoke-free air does not take away anyone's right to smoke. Smoke-free policies do not remove the right to smoke any more than drunk driving laws or alcohol sales regulations remove the right to drink.

Aren't smoking bylaws anti-smoker?

No. People who are smokers are very welcome in smoke-free environments; they simply have to smoke in designated areas.

The government should be spending more time preventing our youth from smoking and helping people to quit.

A smoke-free bylaw in your municipality will create a situation where tobacco use is de-normalized- in the same way that drinking and driving has become denormalized in our society. The de-normalization of tobacco makes it harder for youth to start smoking in the first place. It also creates an environment where many smokers will find it “too much trouble” to have a cigarette and they will end up cutting down, making it easier to eventually quit. Studies show that the majority of smokers would like to quit if they could. **A smoke-free bylaw in a community is the one thing that can do the most towards reducing tobacco use in the population.**

A smoking bylaw will negatively affect the hospitality businesses in our community because the majority of their customers are smokers-smokers spend more money, smokers won't come to a non-smoking space etc...

The vast majority of people in BC are non-smokers (85%) and they prefer a smoke-free environment for eating and drinking. If a smoke-free bylaw is written that treats all businesses equally then a "level playing field" is created and the hospitality businesses in your community can go on competing with each other on the basis of ambiance, food and service. There is no independent evidence of higher spending by smokers or of smokers migrating. In fact, most of the complaints about going smoke-free come from the proprietors and not from the smokers themselves. There is no independent research to substantiate the claim of negative economic effect.

Appendix B – Smoking Bans on Outdoor Patios of Bars and Restaurants – Fact Sheet (Clean Air Coalition of BC)

- The U.S. Surgeon General, in a definitive report issued in June 2006, concluded from scientific evidence that second-hand smoke causes cancer, coronary heart disease, and respiratory illnesses and that there is no safe level of intake of second-hand smoke. Health conditions, such as asthma, emphysema, high blood pressure and diabetes, are exacerbated by even brief exposure to second-hand smoke.¹³
- The California Environmental Protection Agency's Air Resources Board declared second-hand smoke to be a Toxic Air Contaminant (TAC). They made this designation that is reserved only for those air pollutants which may cause or contribute to an increase in deaths or serious illness, or which may pose a present or potential hazard to human health. The TAC list includes chemicals such as benzene, arsenic and diesel exhaust. Cigarette smoke contains over 4,000 chemicals, 50 of which are known carcinogens.¹⁴
- Second hand smoke does not quickly dissipate in outdoor settings. Depending upon the specific situation, smoke levels generally do not decrease to the background level for fine particles or carcinogens until approximately 7 metres, or about 25 feet, from the source.¹⁵
- Smoking bans have been an effective means of decreasing smoking rates and by association decreasing negative health impacts of smoking, such as drops in heart attacks.¹⁶
- Creating smoke-free environments sends a message to children and youth that non-smoking is the norm. Ninety percent of people who start smoking do so in their teens.¹⁷
- Economic impact studies show that businesses do not suffer financially in the long run, and in many instances business improves.
- The majority of people in BC are non-smokers (85%).⁶
- Two provinces and at least 16 municipalities in other provincial/territorial jurisdictions have adopted laws to prohibit smoking on outdoor patios of bars and restaurants.
 - Newfoundland and Labrador
 - Nova Scotia
 - Airdrie AB
 - Haldimand County ON
 - Antigonish NS
 - Jasper AB
 - Banff AB
 - Kingston ON
 - Brighton ON
 - Saskatoon SK
 - Burpee & Mills ON
 - St. Albert, AB
 - Calgary AB
 - Stettler AB
 - Devon AB
 - Tehkummah ON
 - Edmonton AB
 - Thunder Bay ON

**2008 Additions include, Surrey, White Rock, City of Vancouver, Richmond, CRD (Victoria), District of Squamish

¹³ *The Health Consequences of Involuntary Exposure to Second-Hand Smoke. A Report of the U.S. Surgeon General. June 2006*
<http://www.surgeongeneral.gov/library/secondhandsmoke/report/cover.pdf>

¹⁴ *California Environmental Protection Agency Air Resources Board: Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant. 2005.* <http://www.arb.ca.gov/toxics/ets/finalreport/finalreport.htm>

¹⁵ *James Repace. Measurements of Outdoor Air Pollution from Secondhand Smoke on the UMBC Campus. 2005.*
<http://www.repace.com/pdf/outdoorair.pdf>

¹⁶ *CBC News. Bar Workers Show Health Benefits after Smoking Banned.* <http://www.cbc.ca/health/story/2006/10/10/smoking-bans.html>

¹⁷ *Canadian Community Health Survey. 2005.*

⁶ http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/research-recherche/stat/ctums-esutc/2005/ann-table2_e.html

Appendix C – Listing of websites for further information on second-hand smoke, health complications, and smoke-free provisions:

Clean Air Coalition of BC

<http://www.cleanaircoalitionbc.com>

The Clean Air Coalition of BC is a coalition made up of various organizations concerned with providing smoke-free workplaces. It is associated with the BC Lung Association and the Heart and Stroke Foundation of BC and Yukon.

Non-Smokers' Rights Association

<http://www.nsra-adnf.ca>

This is a non-profit organization dedicated to helping non-smokers breathe clean air. This organization is very active in working with the Canadian government and Canadian Cancer Society to promote the health of Canadian citizens. This website contains relevant information on second-hand smoke.

Workers Compensation Board of BC

<http://www.worksafebc.com>

This website provides work-related information for BC employers and employees, including information on secondhand smoke in the workplace.

Canadian Cancer Society

<http://www.cancer.ca>

This society began as early as 1938 with the direct objective of informing the public about cancer. This website provides information on cancer research, statistics, prevention, support, and other resources. It includes helpful information on the various types of cancer associated with second-hand smoke.

Canadian Council for Tobacco Control

<http://www.cctc.ca>

The CTCC was founded in 1974 by many non-governmental organizations, such as the Canadian Cancer Society and the Canadian Lung Association, with the aim to help control tobacco use, promote health, and provide knowledge.

Physicians for a Smoke-Free Canada

<http://www.smoke-free.ca>

This organization is a national charity organization consisting of Canadian physicians. Its objective is to reduce smoking and reduce exposure to secondhand smoke. This website provides information on various health issues related to smoking, on second-hand smoke, on the tobacco industry, and on this organization.

World Health Organization – Tobacco Free Initiative

www.who.int/tobacco/en

The World Health Organization established this initiative in 1998. This initiative's main objectives are to reduce tobacco consumption and involuntary exposure to tobacco smoke by humans and the environment.

Smoke-Free Bylaw Provision in Canada
Exceeding Provincial/Territorial Legislation

Jurisdiction	100% S-F Workplaces	100% S-F Patios (Bars & Restaurants)	100% S-F Patios (Restaurants)	S-F Buffer Zones (Doorways, Windows, Air Intakes)	S-F Playgrounds, Parks, & Other Outdoor Spaces	100% S-F Hotels	S-F Private Vehicles with Children Present	Broad Definition of Smoking Not Exclusive to Tobacco
British Columbia		Vancouver Victoria	Delta Pitt Meadows Port Coquitlam Port Moody White Rock	Vancouver White Rock	North Vancouver (bus shelters)			Vancouver
Alberta		Jasper		Beaumont Canmore Stettler Wood Buffalo	Calgary Devon Red Deer St. Albert Sylvan Lake	Canmore		Canmore Devon Drayton Valley Jasper Redcliff St. Albert Stettler Strathcona Country
Saskatchewan	Lloydminster Yorkton	Saskatoon		Humboldt	Saskatoon			Thompson
Manitoba					Brandon			
Ontario		Brighton Burpee & Mills Kingston Tehkummah Thunder Bay		Greater Napanee Haldimand County Huron Shores Kenora North Grenville Northeastern Manitoulin & the islands Ottawa Peterborough Port Hope Prescott Sables – Spanish Rivers Sault Ste. Marie Sioux Lookout Thunder Bay West Nipissing	Belleville Collingwood New Tecumseth Ottawa Peterborough	Huron County		
Quebec								
New Brunswick								
Nova Scotia				County of Richmond County of Victoria	Yarmouth			County of Richmond County of Victoria
PEI								
Newfoundland and Labrador								
Yukon				Dawson Whitehorse				Whitehorse
Northwest Territories								
Nunavut								



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: April 7, 2009

REPORT: 09 - 053

FROM: Community Life

FILE: 4700

SUBJECT: SMOKING REGULATION BYLAW NO. 1884, 2008

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER:

That the recommendation of the General Manager of Community Life be endorsed.

RECOMMENDATION

That Council consider giving first three readings to Smoking Regulation Bylaw No. 1884, 2008.

PURPOSE OF REPORT

The purpose of this report is to bring forward new smoking regulations for council's consideration.

DISCUSSION

Exposure to second hand smoke is an environmental health hazard. The province has taken steps to reduce people's exposure to second had smoke by prohibiting smoking in a number of areas. Municipal Governments have the authority to impose stricter regulations.

Province-wide, we have achieved an 85% rate for non-smokers who are no longer exposed to secondhand smoke at home, at play, in public places and at work. This is an improvement over past years but nearly 20% of non-smokers claim they are still exposed to secondhand smoke in an outdoor public place. The recommendations within this report seek to move us closer to the day when none of our citizens, visitors or workers is involuntarily exposed to secondhand smoke.

This bylaw is modeled after the Richmond Smoking Regulation Bylaw which is considered the "gold standard" by health care providers.

The proposed bylaw regulates operators of facilities and places, rather than actually regulating smokers. It does two things, it requires the operators to post signs in their establishments that state there is no smoking permitted and it prohibits them from allowing a person to smoke in or within a distance of their business.

Smoking is currently prohibited in enclosed transit shelters under Provincial Regulations. Section 4 of the proposed bylaw directly prohibits smoking within 25 meters of any of the following:

- (a) an Outdoor Venue;
- (b) a playground;
- (c) a playing field;
- (d) a place at which a Sporting Event is occurring;
- (e) a transit shelter;
- (f) School Property

If a person smokes in any of these areas, it would be the actual smoker that would get ticketed. The bylaw is set up with standard language so that it can be enforced by long-form prosecution under the Offence Act as contemplated in s 260 (2) (a) of the *Community Charter*. The maximum penalties for those prosecutions are \$10,000 and/or 6 months imprisonment, plus prosecution costs. This bylaw can also be enforced through the MTI Bylaw. The maximum ticket amount for MTI's is currently \$1000. Staff will bring forward amendments to the MTI Bylaw if Council considers adopting this bylaw.

Section 9 of the *Community Charter* establishes the concept of concurrent regulatory authority. The legislation recognizes that in five spheres, municipalities and the province have a shared interest in regulating activities.

The *Community Charter* concurrent authority provisions apply to bylaws that deal with:

- Public health;
- Protection of the natural environment
- wildlife;
- Building Standards; and
- Prohibition of soil deposit or removal

As this bylaw deals with health related matters, it must go to the Ministry of Health for consultation before final adoption pursuant to Section 9 of the *Community Charter*. We are currently in discussion with the local health board and they are in support of the proposed Smoking Regulation Bylaw.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Enhancing the		
Finance	Whistler lives within it financial means.	The adoption of this bylaw will not have any financial impact
Health and Social	Community members and visitors maintain and improve their physical, mental, spiritual and social health through prevention and treatment services.	Regulating smoking in public areas will reduce the risk of exposure to second hand smoke
Partnership	Residents, taxpayer, business and local government hold a shared vision for the resort community and work in partnership to achieve that vision	Working with Vancouver Coastal Health to provide smoke free public places

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	This bylaw does not move away from any description of success	

BUDGET CONSIDERATIONS

The municipality will undertake an information campaign to advise the community and visitors of this regulation, if it is adopted by Council. The costs of this campaign are not expected to have a significant impact on the municipal budget.

COMMUNITY ENGAGEMENT AND CONSULTATIONS SUMMARY

This is a change to the existing regulations, ads will be placed in the local newspapers and meetings with local businesses will take place.

SUMMARY

This report outlines the proposed Smoking Regulation Bylaw for Council consideration.

Respectfully submitted,

Sandra Smith
SUPERVISOR OF BYLAW SERVICES

For:
Bob MacPherson
GENERAL MANAGER OF COMMUNITY LIFE

RESORT MUNICIPALITY OF WHISTLER
SMOKING REGULATION BYLAW NO.1884, 2008

A Bylaw to Regulate Smoking in The Resort Municipality of Whistler

WHEREAS it has been determined that second-hand tobacco smoke is a health hazard and nuisance for many inhabitants of and visitors to the Resort Municipality of Whistler;

AND WHEREAS the Resort Municipality of Whistler 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 Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS**:

PART 1 – INTRODUCTION

1. Citation

This Bylaw may be cited as “Smoking Regulation Bylaw No.1884, 2008”.

2. Definitions

In this Bylaw:

- (a) “Bank” includes credit union, trust company, savings or loan company or other financial institution;
- (b) “Building” includes part of a building;
- (c) “Food Service Establishment” means any place of business where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed, and includes a patio used in conjunction with that place;
- (d) “Fully or Substantially Enclosed” means a Building or Structure, vehicle or any other place having a roof or other covering where more than 50% of the wall space is enclosed by any material that does not permit air to flow easily through it;
- (e) “Licenced Establishment” means any establishment licensed under the provisions of the *Liquor Control & Licencing Act* (B.C.);
- (f) “Municipality” means the Resort Municipality of Whistler;

- (g) “Operator” means any person who, as owner, proprietor, lessee, manager, employee, or otherwise, carries on the operation of a facility or business, and includes any person managing or supervising such facility or business;
- (h) “Outdoor Venue” means a place that is not Fully or Substantially Enclosed and is used for the assembly of persons for such purposes as worship, entertainment, recreation, business or amusement;
- (i) “Personal Services Establishment” means a place of business in which a person provides a service to or on the body of another person, and includes but is not limited to a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;
- (j) “Place of Public Assembly” means a Building or Structure used for the assembly of persons for such purposes as deliberation, education, worship, entertainment, recreation, business or amusement, including a shopping mall and a bingo hall, but does not include a Food Service Establishment or a private residential dwelling;
- (k) “Retail Establishment” means a Building, Structure, or other place where goods or services are exposed or offered for sale by retail;
- (l) “School Property” means property that is
 - (a) owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act*, and
 - (b) used for the purposes of delivering educational programs or other learning programs,
 and includes real property and improvements;
- (m) “Smoke” or “Smoking” means to inhale, exhale, burn or carry a lighted cigar, cigarette, pipe or other lighted smoking equipment that burns tobacco or other weed or substance but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes;
- (n) “Sporting Event” means an organized athletic competition where admission is by ticket, whether paid or unpaid;
- (o) “Structure” includes part of a structure.

PART 2 – AREAS OF SMOKING PROHIBITION**3. Operator Obligations**

- (1) The Operator of any of the following:
 - (a) a Retail Establishment;
 - (b) a Personal Services Establishment;
 - (c) a Bank;
 - (d) a hospital or health clinic;
 - (e) a Food Service Establishment;
 - (f) a taxicab or a public bus;
 - (g) a Place of Public Assembly;
 - (h) a billiard or pool hall;
 - (i) a Licenced Establishment;
 - (j) any other Building, Structure, vehicle, place or area that is Fully or Substantially Enclosed and:
 - (i) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (ii) is a prescribed place under the *Tobacco Control Act* (B.C.),

must not cause, permit or allow a person to Smoke while within any such Building, Structure, vehicle, place, or area.

- (2) The Operator of any of the following:
 - (a) a Retail Establishment;
 - (b) a Personal Services Establishment;
 - (c) a Bank;
 - (d) a hospital or health clinic;

- (e) a Food Service Establishment;
- (f) a Place of Public Assembly;
- (g) a billiard or pool hall;
- (h) a Licenced Establishment;
- (i) any other Building, Structure or place that is Fully or Substantially Enclosed and:
 - (iii) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (iv) is a prescribed place under the *Tobacco Control Act* (B.C.),

must not cause, permit or allow a person to Smoke within six (6) metres from a doorway, window or air intake of the Building, Structure, place, or area.

- (3) The Operator of any Building, Structure, place, area, or vehicle where Smoking is not permitted under sections 3 or 4 this Bylaw must post at least one sign meeting the requirements of Part 3:
 - (a) in respect of a Building, Structure, place or area that is Fully or Substantially Enclosed, at each doorway and air intake to the Building, Structure, place or area;
 - (b) in respect of a Building, Structure, place or area that is not Fully or Substantially Enclosed, in, at or on each gate, parking lot or other point of access to the Building, Structure, place or area; and
 - (c) in respect of a vehicle, on the dashboard or a passenger window of the vehicle.
 - (d) in respect of a Park or playing field at each major point of access

4. Recreational Areas, Transit Shelters and School Property

- (1) No person shall light a cigarette, cigar, pipe or other Smoking equipment, Smoke, or use tobacco in any other manner in, at, on or within 25 metres of any of the following:
 - (a) an Outdoor Venue;

- (b) a playground;
- (c) a playing field;
- (d) a place at which a Sporting Event is occurring;
- (e) a transit shelter;
- (f) School Property.

PART 3 – SIGN REQUIREMENTS

6. Sign Contents

- (1) If an Operator is required to post a sign or signs pursuant to this Bylaw, the Operator must ensure that each sign:
 - (a) is prominently displayed and maintained at the applicable location;
 - (b) if the sign is posted by a door, window or air intake of a Building, Structure, place or area that is Fully or Substantially Enclosed, contain the text “No Smoking within 6 Metres”, in capital or lower case letters or a combination of both;
 - (c) in respect of a place that is not Fully or Substantially Enclosed, or in respect of a vehicle, contain the text “No Smoking”, in capital or lower case letters or a combination of both;
 - (d) consist 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;
 - (e) include in the text at the bottom of each sign “Resort Municipality of Whistler Smoking Regulation Bylaw No. 1884, 2008” and “Maximum Penalty \$10,000”.

7. Existing and Alternative Signs

- (1) A sign with the text “Resort Municipality of Whistler Bylaw No. 497 Maximum Penalty \$1000”, which was erected prior to the date of adoption of this Bylaw, is deemed to meet the requirements of section 6.

PART 4 – VIOLATIONS AND PENALTIES

8. Deemed Infractions

- (1) Any person who:
- (a) violates or who causes, permits or allows any of the provisions of this Bylaw to be violated;
 - (b) fails to comply with any of the provisions of this Bylaw; or
 - (c) neglects or refrains from doing anything required under the provisions of this Bylaw,

is deemed to have committed an infraction of, or an offence against, this Bylaw and is liable on summary conviction, to either or both of a fine not to exceed \$10,000 and up to 6 months imprisonment, and the cost of prosecution. Each day that such violation is caused, permitted or allowed to continue constitutes a separate offence.

PART 5 - ENACTMENT

9. Severability

- (1) If any section or lesser portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

10. Repeal

- (1) The Resort Municipality of Whistler “Smoking Regulation Bylaw No. 497, 1985” is hereby repealed.

GIVEN FIRST READ A FIRST TIME this 7th day of April, 2009.

READ A SECOND TIME this 7th day of April, 2009.

READ A THIRD TIME this 7th day of April, 2009.

DEPOSITED with the Minister of Health this _____ day of _____, 2009.

ADOPTED this ____ day of _____, 2009.

Ken Melamed
Mayor

Shannon Story
Corporate Officer

I hereby certify that this is a
true copy of "Smoking Regulation
Bylaw No.1884, 2008

Shannon Story
Corporate Officer

**DISTRICT OF SQUAMISH
SMOKING REGULATION BYLAW NO.2042, 2008**

As amended by bylaw 2068.

A bylaw to regulate smoking and the use of tobacco products in the District

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE DISTRICT OF SQUAMISH FOR CONVENIENCE ONLY. THE CORPORATION DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

WHEREAS under the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public places, nuisances and public health;

AND WHEREAS Council has been advised that the second hand tobacco smoke from the smoking of cigarettes, cigars and pipes is a health hazard, nuisance or discomfort for many inhabitants of the District of Squamish;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the District of Squamish to promote a healthy, clean-air environment;

NOW THEREFORE the Council of the District of Squamish, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as “District of Squamish Smoking Regulation Bylaw No. 2042, 2008.”

2. Repeal

“District of Squamish Smoking Regulation Bylaw No. 969, 1987” and all amendments are hereby repealed.

3. Interpretation

1. In this Bylaw:

“**common area**” means any place in an apartment building, condominium, dormitory or other multiple residential dwelling or mobile home park that is generally available for the common use of occupants or visitors, including but not limited to a hallway, foyer, stairway, elevator, escalator, washroom, laundry room, meeting room and amenity area;

“fully or substantially enclosed” refers to a building, structure, vehicle or any other place that has a roof or other covering, and more than 50 percent of the nominal wall space is enclosed by any material that does not permit air to flow easily through it;

“liquor outlet” means a commercial establishment which is licensed under the *Liquor Control and Licensing Act* and regulations including, without limitation, a bar, lounge, pub, neighbourhood pub, beer parlour and cabaret;

“public municipal open space” means a park, playing field, tennis court, playground, lawn bowling green, path, trail, beach, dock, marina or other outdoor public place which is owned, controlled or operated by the District for the use and pleasure of the public and which is shown on Schedule “A” attached to and forming part of this bylaw;

“public space” and “public place” means a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;

“restaurant” means a food service establishment as defined in the regulations enacted under the *Health Act* governing sanitation and operation of food services;

“smoke” or “smoking” means the lighting, inhaling, exhaling, or burning of tobacco or the holding of a lighted cigarette, cigar or other product produced from tobacco; and

“workplace” means any place in which a person performs services in return for compensation, and includes any places that are used in conjunction with the workplace such as a bathroom, meeting room or building or structure used for taking breaks.

2. Wherever the singular or masculine is used in this bylaw, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require.
3. If any section, subsection clause or other provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the decision does not affect the validity of the remaining portions of the bylaw.

4. Smoking Restrictions

1. Subject to subsection 4.2, a person must not smoke:
 - a. in any building, structure, vehicle or any other place that is fully or substantially enclosed and

- i. is a public place;
 - ii. is a workplace; or
 - iii. is a common area; or
- b. within 3 metres from a doorway, window or air intake of a place described in paragraph (a);
- c. in, on or within 3 metres of the perimeter of a patio or deck used in conjunction with a restaurant, liquor outlet or other public place, whether or not the patio or deck is open or is partly or fully enclosed;
- d. within a transit shelter;
- e. in or on or a public municipal open space; or
- f. in a motor vehicle that is occupied by a person under the age of 16 years whether or not any window, sunroof, car-top, door or other feature of the vehicle is open.

2. Subsection 4.1 does not apply to:

- a. a workplace that is a private dwelling, except during any period in which a person performs services for compensation;
- b. a room or suite in a hotel, motel, lodge or bed and breakfast that is designated for smoking by the owner or manager;
- c. persons, places or activities specifically exempted from a prohibition or restriction under the British Columbia *Tobacco Control Act* or Regulation, unless this bylaw expressly prohibits smoking in relation to those persons, places or activities; or
- d. that portion of a public municipal open space described in Schedule "B" attached to and forming part of this bylaw and identified by a sign or signs permitting smoking within the designated area.

3. Subject to subsections 4.5 through 4.6, if a person contravenes subsection 4.1 in respect of:

- a. a place described under subsection 4.1 (a)(i), (b) or (c), each owner, lessee and manager of that place is deemed to have contravened that subsection and is liable for the contravention;
- b. a workplace, the employer is deemed to have contravened that subsection and is liable for the contravention; and

- c. a common area, each owner, lessee or manager is deemed to have contravened that subsection and is liable for the contravention, except that in relation to a common area of a strata corporation, the strata corporation is deemed to have contravened that subsection and is liable for the contravention.
4. An owner, manager, lessee of, or an employer at, a public place is not liable under subsection 4.3, as applicable, in respect of any portion of the 3 metre area described in subsection 4.1 (b) or (c) over which the owner, manager, lessee or employer has no control, if a person not under his or her employment or control smokes within that portion.
5. It is a defence to a charge under subsection 4.3 if the owner, manager, lessee, employer or strata corporation, as applicable, demonstrates that he or she exercised reasonable care and diligence to prevent the contravention.
6. Subsection 4.3 applies whether or not the person who smoked, or any other person, is charged with contravening subsection 4.1.

5. Signs

1. Where smoking is prohibited by this bylaw, the owner, manager, lessee or strata corporation of the building, structure, vehicle or place, as applicable, shall post a sufficient number of signs in accordance with the requirements of this section so as to be clearly visible from all points to which the smoking prohibition applies.
2. Signs required by section 5.1 shall comply with the following requirements, conditions and specifications:
 1. within a building or other structure, a sign must be posted in close proximity to each entrance and such additional signs must be posted as may be necessary to ensure that a sign is clearly visible from all points in the building to which the smoking prohibition applies;
 2. each sign required under this Section 5 shall carry the text "NO SMOKING", "NO SMOKING PERMITTED" or "NO SMOKING PERMITTED ON THESE PREMISES", as may be appropriate in the circumstances;
 3. the size of text on each sign shall be not less than the following heights based on the following maximum viewing distances in direct line of sight, whether or not letters are in upper or lower case:

letter height viewing distance	maximum
2.5 centimetres (1 inch)	3 metres (10 feet)
5.1 centimetres (2 inches)	6.1 metres (20 feet)
7.6 centimetres (3 inches)	12.2 metres (40 feet)
10.2 centimetres (4 inches) feet)	48.8 metres (160 feet)
20.3 centimetres (8 inches) feet); and	73.1 metres (240 feet)

4. each sign shall consist of at least two contrasting colours, or, if text is to be applied to a surface or mounted on a clear panel, then the text must contrast with the colour of the background;
3. Internationally recognized signage which prohibits smoking may be posted in addition to, but not in substitution for the sign requirements of this bylaw.
4. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this Bylaw.

6. Offences and Penalty

Any person who contravenes or violates any provision of this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not less than \$150 and not more than \$1,000, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

READ A FIRST, SECOND AND THIRD TIME this 15th day of July, 2008.

ADOPTED this 29th day of July, 2008.

Ian Sutherland, Mayor

Robin Arthurs
Director of Administrative Services

SCHEDULE "A"

(Public Municipal Open Spaces)

All Municipal Parking Lots or Parking Areas

Arrowhead Park 1625 Arrowhead Road
Bill's Place Park 40178 Bill's Place
Bracken Park/Brown Memorial Park 13-B Bracken Parkway
Boulevard Park 2385 The Boulevard
Braemar Park 2364 Argyle Crescent
Brennan Park, 1009 Centennial Way, except for the portion indicated in Schedule "B"
Coho Park 40460 Park Crescent
Cottonwood Park 41660 Cottonwood Road
Eagle Run Park 1546 Eagle Run Drive
Eaglewind Park 1170 Bailey Street
Eagle Viewing Sites 40963 Government Road
Edgewater Park 1030-B Edgewater Drive
Fisherman's Park, Brennan Road 41481 Brennan Road
Glacier View Park 1054 Glacier View Drive
Jack's Trail Park 1038 Condor Road
John Hunter Park 38426 Hemlock Avenue
Jura Park 2546 Jura Crescent
Kingswood Park 41310-B Kingswood Road
McDonald Place Park 1647 McDonald Place
McNaughton Park 1880 Maple Drive
Merrill Park 2300-B Greenwood Way
Municipal Animal Control Dog Pound and Parking, 39903 Government Road
Municipal Operations/Public Works Yard, 39909 Government Road
Nexen Beach/ Squamish Oceanfront Trail, 27200 Galbraith Avenue
Northridge Park 13891 Clarke Drive
Pat Goode Park, 40422 Cheakamus Way
Porcupine Park 2588 Pentland Way
Parkland next to Bill's Place
Rose Park/Lily's Garden 38400 Loggers Lane
Site Block 19 Cleveland Avenue 37950 Cleveland Avenue
Smoke Bluff Park 1990 Smoke Bluff Road
Squamish Junction Park 38284 Cleveland Avenue
Squamish Skate Park/ Carson Place Park 38684 Buckley Avenue
Stan Clarke Park 37950 Second Avenue
Tiampo Park no address
Willow Park 1803 Willow Crescent

Mount Garibaldi Cemetery 44500 Government Road
Squamish Adventure Centre 38551 Loggers Lane
Municipal Hall 37955/37957 Second Avenue
Public Safety Building, Tantalus Road
Emergency Services Building, 1000 Finch Drive

All Trails on Municipal Trails as identified on Appendix 1 to Schedule “A”, as attached and including, but not limited to:

Oceanfront Trail

Corridor Trail

Municipal Dykes and Trails

All trails on and leading to the Dykes through municipal or crown property

SCHEDULE "B"

(Exemptions)

Squamish Youth Centre between the hours of 4:00p.m. and 7:30a.m. 1135 Carson Place

Squamish Homeless Drop In Centre during open hours of operation 37930 Third Avenue

Brennan Park Recreation Centre Designated Smoking Area, as described on diagram Appendix 1 to Schedule "B", as attached, 1007 Centennial Way

Kinsmen Campground, 1007 Centennial Way

To: Mayor and Council

From: Michael Rosen – Planning Consultant

Date: May 19, 2009

Subject: Regional Growth Strategy – Update (May 2009)
Squamish Lillooet Regional District Regional Growth Strategy Bylaw
1062, 2008

RECOMMENDATION

THAT the report from the Planning Consultant entitled *Regional Growth Strategy – Update (May 2009)* be received for information

PURPOSE

The purpose of this report is to provide Council with an update of the process related to Squamish Lillooet Regional District Regional Growth Strategy Bylaw 1062, 2008

BACKGROUND

1. General Information

The Regional Growth Strategy (RGS) is a high level policy document that is intended to manage growth in the region over the next 20 years. To a large extent, the land use pattern within the RGS reflects the member municipalities' and electoral areas' official community plans. The RGS contains a strategy that encompasses a broad vision statement, and a number of specific goal statements that are supported by policy statements and strategic directions. One of the most significant goal statements within the RGS pertains to the regional development pattern. Goal 1, entitled *Focus Development into Sustainable Compact Communities*, speaks to concentrating development within the established urban areas, the Village being one of those areas.

The preparation of the RGS has been underway for over five years. The process has involved many meetings of elected officials, local government staff, federal and provincial agencies, and residents of the SLRD. Council members should be aware that Village staff has played an active and integral role on the RGS Steering Committee which consisted of the administrators and planners from the SLRD and its member municipalities.

Generally speaking, the RGS is consistent with the growth management approach that the Village has been following over the last many years, that being to promote Smart

Growth planning principles and minimize intrusion within the ALR lands. The RGS reflects the land use designations within the Village's OCP and the findings of the Pemberton and Area Sub Regional Planning Study.

Bylaw 1062 identifies a process to address minor amendments to the RGS. The process enables the RGS Bylaw to be amended without requiring unanimous approval of the Board in cases where a proposed change is not considered of regional significance and contributes to a compact settlement pattern. In such cases, an affirmative vote of at least 2/3 of the Board members is required in order for a minor amendment to be approved. Adoption of Bylaw 1062 and any subsequent major amendments require the affirmative consent of the **full** Board.

2. Acceptance of Bylaw 1062, 2008 - District of Squamish

Squamish Lillooet Regional District Regional Growth Strategy Bylaw 1062, 2008 (Bylaw) received first and second reading from the Regional Board on 23 June 2008. Pursuant to Section 857 of the *Local Government Act*, the Bylaw was forwarded to all affected local governments for acceptance. In the fall of last year, all the local governments within the SLRD, other than the District of Squamish, passed resolutions to accept the Bylaw. The Council of the Village of Pemberton passed its acceptance resolution on 16 September 2008.

In a letter to the Regional District dated 10 November 2008, the District of Squamish objected to the Bylaw for the following four reasons:

- a) insufficient public consultation;
- b) lack of clarity in the enforcement of the agreement both procedurally and substantively;
- c) lack of clarity in the amendment process; and
- d) acceptance of the RGS prior to the adoption of the District's OCP may be prejudicial to the community.

Since acceptance from all local governments is required in order for the Bylaw to be ultimately adopted by the Regional Board, a process was initiated in November by the Ministry of Community Development in an attempt to find a resolution to the issues raised by the District of Squamish. Meetings with the parties including the Ministry have been held since February, but to date no resolution has been found.

At the Regional District Board Meeting of 27 April 2009, the Board passed the following two resolutions:

- 1) *THAT a non-binding resolution process be undertaken within the context of Section 859 Local Government Act which:*
 1. *includes a review of and clarifying education on:*
 - (a) *the concerns of elected officials (and perhaps the communities) against the provisions of the legislation,*

- (b) *the process for decision making with respect to adoption, application and amendment of the growth strategy,*
 - (c) *the reality of the growth strategy and its application against the land base, and*
 - (d) *the underpinning reasons for a growth strategy and how a growth strategy is intended to work;*
- 2. *is open to other affected local governments;*
 - 3. *does not engage a neutral third party at this time;*
 - 4. *has an expectation that a concluding report with recommendations be prepared by July 30, 2009.*
- 2) *AND THAT an Elected Officials Forum be scheduled for the 2nd week of June, with invitations to First Nations and Ministry of Community Development.*

It is intended that the RGS Steering Committee, composed of senior staff from the various local governments and a representative from the Ministry of Community Development, will meet to review and clarify the outstanding issues. The results will be then communicated at an Elected Officials Forum scheduled for 10 June 2009 or 11 June 2009.

COUNCIL OPTIONS

The following options are provided for Council's consideration:

- Option 1:** Receive the report and take no specific action at this time;
- Option 2:** Receive the report and take specific action as so determined by Council; or
- Option 3:** Receive the report and request further information from staff.

CONCLUSION

Given that Council has previously accepted Squamish Lillooet Regional District Regional Growth Strategy Bylaw 1062, 2008, and given that the issues at this time relate to the District of Squamish, there are no obvious reasons for the Village to take a position on this matter until the non-binding resolution process has taken place. On this basis, Option 1 is the recommended course of action.

Attachments:

- 1) *Letter to Regional District – Acceptance of the Bylaw 1062, 2008 – 25 September 2008*
- 2) *Report from Planning Consultant – Bylaw 1062, 2008 - 8 September 2008 (attachments to this report available upon request)*



Village of **PEMBERTON**

September 25, 2008

Mr. Paul Edgington
Chief Administrative Officer
Squamish Lillooet Regional District
Box 219
Pemberton, BC V0N 2L0

PO Box 100
7400 Prospect Street
Pemberton
British Columbia
CANADA
V0N 2L0

P. 604.894.6135
F. 604.894.6136

Email:
admin@pemberton.ca

Website:
www.pemberton.ca

Re: Regional Growth Strategy Bylaw No. 1062, 2008

Dear Mr. Edgington:

I am pleased to advised that at the Village of Pemberton Regular Council meeting held on Tuesday, September 16 2008, Council reviewed Regional Growth Strategy Bylaw No. 1062, 2008 and the following resolution was passed:

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton:

- a) accepts Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 pursuant to Section 857 of the Local Government Act; and*
- b) acknowledges the significant amount of work undertaken and commitment shown by the Board and Staff during the four year period that the Regional Growth Strategy process has been underway.*

On behalf of the Village of Pemberton, thank you for all the hard work that has been done on this project not only by SLRD Board and Planning staff but the Councils and Staff of the other communities involved in this process. This is a significant step forward in the overall planning of our region and the Village is pleased to have had the opportunity to participate and support the project.

Yours truly,
VILLAGE OF PEMBERTON



Lori Pilon
Chief Administrative Officer

Cc: Steve Olmstead, Director of Planning, SLRD
Lisa Griffiths, Planner
Kim Needham, Planner



To: Mayor and Council

Date: September 16, 2008

From: Michael Rosen – Planning Consultant

Subject: Regional Growth Strategy

RECOMMENDATION

THAT the Squamish Lillooet Regional District be informed that the Village of Pemberton:

- a) accepts Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 pursuant to Section 857 of the *Local Government Act*; and
- b) acknowledges the significant amount of work undertaken and commitment shown by the Board and Staff during the four year period that the Regional Growth Strategy process has been underway.

PURPOSE

The purpose of this report is to provide Council with background information on the Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 so that the Village can formally respond pursuant to the requirements of the *Local Government Act*.

BACKGROUND AND COMMENTS

Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 received first and second reading from the Regional Board on 23 June 2008. Section 857 of the *Local Government Act* requires that before a Regional Growth Strategy Bylaw (Bylaw) can be adopted by a Regional Board, it must first be accepted by way of a resolution by all affected local governments. A local government must within 120 days of receiving the Bylaw from the Regional District either accept the strategy, or alternatively refuse to accept it and if so provide reasons. The Village received the Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 on 28 June 2008.

a) Previous Review of Draft RGS

Earlier this year, Village Council was asked to comment on a January 2008 draft of the Regional Growth Strategy (RGS). In response, the attached letter from the Village

dated 3 June 2008 was submitted to the SLRD based upon the attached report prepared by the Planning Consultant dated 29 May 2008. The Village informed the SLRD that it was supportive of the draft RGS in principle subject to incorporating the following two changes:

- a) identifying a **Future Growth Node** at Rutherford on the Settlement Planning Map; and
- b) revising the **Non - Settlement Area** land use designation on the Settlement Planning Map for the industrial area at the Pemberton Airport and identifying the Pemberton Airport on the Map.

These two points have been addressed by the Regional District and have been incorporated within Bylaw No. 1062.

According to Regional District staff, the only other substantive change to the RGS that was incorporated within Bylaw No. 1062 pertains to the inclusion of a process to address minor amendments to the RGS as so outlined within Part 4. The process enables the RGS Bylaw to be amended without requiring unanimous approval of the Board in cases where a proposed change is not considered of regional significance and contributes to a compact settlement pattern. In such cases, an affirmative vote of at least 2/3 of the Board members is required in order for a minor amendment to be approved. Adoption of Bylaw No. 1062 and any subsequent major amendments require the affirmative consent of the **full** Board.

b) Public Information Meeting

Subsequent to submitting the 3 June 2008 letter to the SLRD, the Regional District held a series of public meetings around the region to present and discuss the RGS. A meeting was held in Pemberton on 14 July 2008. A copy of the minutes from that meeting is attached. The most significant points relative to the Village can be summarized as follows:

- importance of protecting farmland;
- consider growth for new nodes instead of existing nodes;
- ongoing need for community input; and
- importance of economic development and tourism;

COUNCIL OPTIONS

The following options are provided for Council's consideration:

- Option 1:** Inform the SLRD that the Village accepts Bylaw No. 1062, 2008;
- Option 2:** Inform the SLRD that the Village accepts Bylaw No. 1062, 2008 with conditions; or
- Option 3:** Inform the SLRD that the Village is not prepared to accept Bylaw No. 1062, 2008 and provide the reasons why.

CONCLUSION

Given Council's previous support of the draft RGS and the changes that have been incorporated within Squamish Lillooet Regional District Regional Growth Strategy Bylaw No. 1062, 2008 in response to the Village's previous comments, Option 1 is the recommended course of action.

Michael Rosen

Attachments:

- 1) *Letter from Regional District – Request for Acceptance - 28 June 2008*
- 2) *Regional Growth Strategy Bylaw 1062, 2008*
- 3) *Letter to Regional District – Draft RGS – 3 June 2008*
- 4) *Report from Planning Consultant – Draft RGS - 29 May 2008*
- 5) *Minutes from Public Information Meeting – 14 July 2008*

Date: May 19, 2009
From: Lori Pilon
Subject: ElderGo! Financial Update

RECOMMENDATION

This report and budget projection is provided for discussion and direction from Council.

BACKGROUND

In 2007 the Village of Pemberton in cooperation with Lil'Wat Nation and the Seniors Society completed an Age-Friendly Community Plan. One of the issues identified in the plan was the inadequacy of transportation for seniors. To address this issue the Village with the above mention partners developed a proposal to implement a pilot project to provide expanded transportation service especially adapted for and operated with the contributions of seniors. This pilot project was called ElderGo! and was aimed at addressing the following:

- Providing an opportunity for collaboration and communication between communities;
- Reducing elder isolation and fostering participation in community and social activities by seniors/elders;
- Promoting volunteerism within the senior/elder demographic;
- Extending the reach of Library services; and
- Demonstrating a need for permanent expanded transportation services especially adapted for and operated with the contributions of seniors and elders in the northern end of Sea to Sky Corridor.

On February 2008 the Village of Pemberton was approved for \$35,000 in funding from the Seniors Housing & Support Initiative to carry out the ElderGo! pilot project. The project was to be completed by November 30, 2008 however due to a late start a one time extension to June 30, 2009 was granted.

ElderGo!

Eldergo! has been in operation since June of 2008. The service has been received positively by the Senior Society who has assisted with the planning, promoting and operation of the service. Initially two routes were proposed – one up the Meadows, and one to Birken/D’Arcy. There has been little to no interest in the Meadows route and it has been discontinued. The Birken/D’Arcy route is better used with much use by residents of N’quatqua.

		June	July	August	Septemeber	Oct-Jan	February	March	April	TOTAL/ROUTE
Route 1	Meadows	0	1	0						1
Route 2	In-Town	0	0	0	0		2	18	5	25
	Pemberton East	0	0	0	0		0	4	1	5
	Reid Road	1	3	5	3		3	0	0	15
	Birken/Gates	1	4	4	4		0	0	0	13
	D’Arcy/Devine	4	8	10	9		20	6	1	58
	Unknown	1	4	7	5		0	0	0	17
TOTAL/MONTH		7	20	26	21		25	28	7	134

*Please note: Information currently not available for the months of October, November, December and January

Evaluation of this pilot project has been ongoing. A qualitative survey was conducted mid term, in October 2008, and ridership numbers have been collected throughout the program. An analysis and final report will be completed at the end of the program on June 30, 2009

BUDGET IMPACT

The grant was for \$35,000 allocated as follows:

	Budget	Actual and Projected to June 30, 2009	Balance Unused
Scheduled Service	\$ 13,600	\$ 12,000	\$ 1,600
Library Outreach	4,300	4,300	
Trips to Whistler, Squamish, Van	2,800		2,800
Special Event Trips	4,300	1,000	3,300
Sub Total	\$ 25,000	\$ 17,300	\$ 7,700
Gas and Minor Vehicle Maint	5,000		5,000
Public Information and Promotion	5,000	5,000	
Total	\$ 35,000	\$ 21,300	\$ 12,700



Date: May 19, 2009
From: Lori Pilon, Administrator
Subject: Retreat Update

REQUEST FOR DISCUSSION/DECISION

Council is considering the holding of a Council retreat and has asked staff to explore location and facilitation. A date was set for June 15-17 however that date is no longer available. Staff requests Council's confirmation and direction on:

1. Date and preferred location of retreat
2. Confirm purpose
3. Confirm whether to engage a facilitator

PURPOSE

Generally the purpose of the retreat is to further build and enhance our relationships so that we can work together effectively and efficiently to better serve our community and constituents. Specific discussion topics could include:

1. Confirming Council-Administrator model of governance
2. Working together as a Council
3. Council communication
4. Council to staff communication
5. Role expectations
6. Confirm long term vision
7. How our roles contribute to the long term vision

FACILITATOR

There has been some discussion about the role and value of having a facilitator attend. Some potential benefits include:

- Bringing a neutral, outside perspective that can help ensure all voices are heard. Having an outside facilitator means that the person responsible for managing the session is not encumbered with any personal involvement or position related to the content of the session. This neutrality can often help groups work through issues and consider new ideas.

- Focus exclusively on the process without having to also be involved as a contributing participant. This helps ensure the process moves forward successfully and means none of the participants need to be encumbered with the task of managing the session. For many groups, having a facilitator increases the probability that the meeting objectives will be met.
- Send a message about the importance of the session and the organization's commitment to making the session a success.
- Help groups summarize and synthesize the information and decisions they are making in a clearer manner.

Four potential facilitators with experience in this area are:

Gordon McIntosh of LGL Institute

Has provided service to the SLRD and facilitated the Village's manager's retreat

Allen Neilson-Welch of Neilson-Welch Consulting Inc.

Currently providing team building to RMOW. Highly recommended by Bill Barratt

Faye Schmidt, Ph.D. of Schmidt and Carbol Consulting Group, Inc.

Recommended by a colleague from Saanich

John Talbot of John Talbot and Associates

Provided service to the RMOW when Caroline Lamont was on Council.

Cost for one day would likely be in the neighborhood of \$2,500.

LOCATION

Two potential locations are the CNIB Lodge on Bowen Island or Tyax Lodge, depending on availability.

BUDGET IMPACT

With accommodation, ferries and facilitator budget impact will be approximately \$5,500.