

THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MINUTES OF AN ENVIRONMENTAL PROTECTION COMMITTEE MEETING
HELD AT 4:00 p.m., THURSDAY, APRIL 3, 1986

PERSONNEL IN ATTENDANCE:

Alderman M.C. Farnworth, Chairman
Alderman J.J. Keryluk, Co-Chairman
T.M. Chong, P. Eng., Assistant City Engineer
Dr. Arneil, Director of Simon Fraser Health Unit

ITEM 1 - CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommended:

That the minutes of the meeting of the Environmental Protection Committee held on Thursday, March 20, 1986 be taken as read and adopted.

Carried

ITEM 2 - STRATEGY FOR DEALING WITH NON-SMOKING BYLAW PROPOSAL

Doctor Arneil presented the Committee with his experiences regarding the passage of a similar bylaw when he was employed by the Capital Regional District on Vancouver Island. He also discussed the summary of a survey which he has conducted in recent years across Canada and certain cities in the United States on the subject of non-smoking bylaws. Dr. Arneil also showed the Committee several samples of public information signs which indicate that a non-smoking bylaw is in effect. The Committee then continued to discuss the following:

- The legalities associated with such a bylaw.
- What establishments should be included in such a bylaw.
- How public input should be obtained.
- How long should the grace period last after passage of such a bylaw.
- How such a bylaw should be enforced.

The strategy for dealing with the non-smoking bylaw which was agreed to by the Committee members is as follows:

- A. That the Clerk be requested to prepare a draft copy of a non-smoking bylaw for the City based on the existing bylaw passed by the Capital Regional District Council.
- B. That the draft non-smoking bylaw be presented to Council in Committee on April 21, 1986 for discussions.


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- C. That the draft copy of the bylaw be revised in accordance with Council's wishes at its meeting of April 21, 1986.
- D. That the revised draft copy of the bylaw be considered during the next regular open Council meeting after April 21, 1986. At that time the public will be requested to consider the draft copy of the bylaw and submit any comments which they may have.
- E. That a summary of the input from the public regarding the bylaw be presented to Council again for further consideration.

The Committee members also agreed that it is not the intention at this time to include the work place in the proposed non-smoking bylaw.

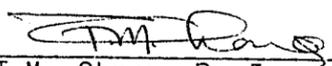
Dr. Arneil was requested to attend the Council in Committee meeting of April 21, 1986 to provide expert advice with respect to this bylaw. He tentatively had agreed to attend subject to confirmation.

ITEM 3 - NEW BUSINESS

- A. Alderman Farnworth questioned whether or not there are new developments regarding the C.P.R. oil spill which took place over the Easter weekend. T. Chong advised that there was not any further information in addition to the report which was forwarded to Council on April 2, 1986 regarding this incident.
- B. T. Chong asked the Committee members whether or not they wish to revise the draft copy of the article on recycling which will be placed in the Community Newsletter to be delivered at the end of this month. The Committee member made no suggestions regarding any revisions to the draft copy of the article.

The next meeting is tentatively set for 4:00 p.m., April 24, 1986.

MINUTES TAKEN BY:


T.M. Chong, P. Eng.
Assistant City Engineer


Alderman M.C. Farnworth
Chairman

NOTE: Minutes not read and adopted by the Committee until certified by Committee Chairman's signature.

c.c. Mayor and Aldermen
City Administrator
City Clerk
City Engineer


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THE CORPORATION OF THE CITY OF PORT COQUITLAM
ENVIRONMENTAL PROTECTION COMMITTEE MEETING

Thursday, April 3, 1986.
4:00 p.m.

TO BE HELD IN COUNCIL CHAMBERS

AGENDA

Personnel Present:

Chairman M.C. Foran
Chairman J.J. Kuylenstierna
S.H. Kelly, P. Eng, Director City Engineer
Mr. Council, S.F. Health Unit

ITEM I : Confirmation of Minutes of Previous Meeting held on
Thursday, March 20, 1986.

CARRIED

ITEM II: Strategy for dealing with Non-smoking Bylaw Proposal

- legal opinion
- ~~what~~ ~~in~~ ~~addition~~ should be included in By-law.
- How public input to be obtained.
- ~~limit~~ ~~graffiti~~ period tent.
- Enforcement.

change for review

Recommend: ~~Use~~ Use C.P.D. By-law as basis for Council's comments & volume

Account of Strategy → Committee Council discuss with C.P.D. By-law Committee
Revision and minutes; then open Council draft By-law;

ITEM III: New Business : then public input; then finalize By-law;
next Council Committee April 21/86

→ WORK-PLACE ~~is~~ ~~discussed~~ at this time

- C.P.R. spill
- Newspaper Article
- Next meeting 24th April 4:00 P.M.

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THE CORPORATION OF THE
CITY OF PORT COQUITLAM

MEMORANDUM

TO: B. Kirk
City Administrator

FROM: T.M. Chong, P. Eng.,
Assistant City Engineer

SUBJECT: Smoking Regulation Bylaw Proposal

Note to File
Council considered this on April 21/86
during open session. Little discussion
but passed recommendation. City
Clark will make public aware of
it and summarized results of public
input. JMC 28/4/86
April 15, 1986

At the regular Council meeting of February 3, 1986, the matter of a Smoking Regulation Bylaw for the City of Port Coquitlam was referred to the Committee for consideration and discussion. Since that time the Committee have sought the advise of Dr. Arneil, Director of Simon Fraser Health Unit, in this matter. He has graciously supplied the Committee with a voluminous amount of relevant documents. Much of this material was the result of an extensive study undertaken by Dr. Arneil during the preparation of a similar Bylaw for the Capital Regional District on Vancouver Island. Appended to this memo are the following summaries of his study:

- A. APPENDIX I - Summary of Current Canadian Bylaws - Restriction of Smoking in Public Places.
- B. APPENDIX II - Summary of replies received from 12 cities - Re: Enforcement, Compliance, Prosecution, etc...on Restriction of smoking in Public Places.
- C. APPENDIX III - Summary of 1985 Bylaws in B.C. - Re: Restriction of smoking in Public Places.
- D. APPENDIX IV - Summary of responses to proposed Smoking Restriction Bylaw for Capital Regional District.

Dr. Arneil attended a Committee meeting on April 3, 1986 to provide further information on his experiences with respect to the passage of a Smoking Regulation Bylaw for the Capital Regional District. During the ensuing discussions, the Committee recommended the following strategy for dealing with the passage of a similar Bylaw in the City:

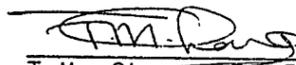
1. That a draft Smoking Regulation Bylaw for the City of Port Coquitlam be prepared based on the existing Bylaw adopted by the Capital Regional District.
2. That the draft Smoking Regulation Bylaw for the City of Port Coquitlam be presented to Council in Committee on April 21, 1986 for discussion and revisions if necessary.

RP
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3. That the revised (if necessary) draft Smoking Regulation Bylaw be considered during the next regular open Council meeting after April 21, 1986. At that time the public will be requested to consider the proposed Bylaw as well and to submit any comments to the City Clerk during the following month.
4. That a summary of the comments from the Public on the proposed Smoking Regulation Bylaw be presented to Council for consideration and possible incorporation into the proposed Bylaw.

During the in Committee Council meeting of April 21, 1986 the Environmental Protection Committee is requesting that Council accept in principal the aforesaid strategy and that the draft Smoking Regulation Bylaw for the City of Port Coquitlam (appended herein as APPENDIX V) be either accepted as proposed or revised as Council may wish. After the in Committee meeting of April 21, 1986, it is the intention of the Committee to forward the draft Bylaw (with revisions is necessary) to the next regular Council meeting for further discussions.

Dr. Arneil will be present at the meeting of April 21, 1986 to provide further information on this subject based on his previous experiences.


T.M. Chong, P. Eng.,
Assistant City Engineer

TMC/kin

Attachments (5)

c.c. City Engineer

Dr. Arneil
Simon Fraser Health Unit


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RESTRICTION OF SMOKING IN PUBLIC PLACES
SUMMARY OF CURRENT (85) CANADIAN BY-LAWS.

Areas with by-laws contacted

Capital Regional District, Edmonton, Guelph, Halifax, Hamilton, Maple Ridge, Ottawa, Regina, Saskatoon, Toronto, West Vancouver and Winnipeg were all contacted (some re-contacted). Copies of the bylaw for each are available,

Retail Stores

Eleven ban smoking to some extent in retail stores. The range varies from food stores displaying foods open to the air to almost all stores. Designated areas in these stores are excluded from the ban:

- 9 exclude rest rooms or offices used by the staff
 - 8 exclude lunch counters (but there can be restrictions there too)
 - 7 exclude restaurants (but see remarks above)
 - 6 exclude hair dressing parlours or barbers shops
 - 4 exclude staff lounges
- etc.

Banks, Financial Institutions, Offices

- 9 include banks and financial institutions specifically
- 8 specifically refer to service counters
- 4 refer to reception areas (in toto or in part)
- 5 include municipal offices.

It should be noted none refer to areas other than public areas.

Hospitals etc.

- 10 restricted smoking in hospitals to some degree
- 6 required permission of the patients doctor
- 3 required permission of the hospital authorities
- 3 required permission of the other patients
- 1 (Ottawa) stated patients are entitled to a smoke free atmosphere.
- 8 indicated that smoking areas could be designated in public access areas.

Places of Public Assembly

- 10 stated smoking allowed only in designated areas.
- 7 stated such designated area shall be not more than 50% of total area [and in one (CRD) at least the total area was limited]

Restaurants

- 11 mentioned restaurants - but with a great variation in approach. In some it was voluntary - but whether or not there was non-smoking areas must be indicated. The area set aside for non-smoking varied from 35% in Edmonton (raised recently from 15%) down to 20% and some indicated contiguity of the non-smoking seating. In some it only applied to the larger restaurants (e.g. Toronto =40)

Reception Areas

- 5 allowed smoking in designated areas only and most restricted to less than 50%
- 4 did not allow at all (some depending on size), (some in health care facilities)

Elevators & Escalators

- 10 have restrictions on elevators or escalators - in three restricted to inspected ones

Taxicabs

- 5 require consent of all passengers plus driver before smoking allowed

Buses

- 11 Forbid smoking on school buses
- 7 Forbid it on municipal buses
- 2 Forbid it on all buses
- 1 Forbids it in all public transportation
- 3 Forbid it in bus shelters

Service Lines

- 10 forbid smoking in service lines

Penalties

Maximum varies from \$2000(7), \$500(6), \$200(1); Minimum varies from \$25 - \$100


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APPENDIX II

RESTRICTION OF SMOKING IN PUBLIC PLACES
SUMMARY OF REPLIES RECEIVED FROM 12 CITIES
ENFORCEMENT, COMPLIANCE, PROSECUTION, ETC.

The Municipalities contacted in Canada re their smoking restriction bylaws were: Capital Regional District, Edmonton, Guelph, Halifax, Hamilton, Maple Ridge, Ottawa, Regina, Saskatoon, Toronto, West Vancouver and Winnipeg. The following is an attempt to give a summary of their experience with enforcement, compliance, prosecution and assorted problems.

1. ENFORCEMENT

- (A). All anticipated some difficulties with enforcement but apparently few arose.
- (a). Individuals refuse to identify themselves and disappear (Toronto, Halifax)
 - (b). Bylaw not being enforced against smokers as much as it could be (Edmonton)
 - (c). Some problems but citizen participation is active (Regina)
 - (d). Active enforcement not contemplated (Hamilton)
 - (e). Bylaw was intended to be self regulatory (Hamilton). Some defiance
 - (f). Some criticism of lack of or difficulties with enforcement (Winnipeg)
 - (g). Police place a very low priority on it (Winnipeg)
 - (h). No real problem documented (Saskatoon, Halifax, Edmonton, CRD, West Vancouver)
 - (i). No bylaw changes recommended (CRD, Guelph, Halifax, Hamilton, Ottawa, Regina) (Toronto has now included restaurants; Edmonton enlarged non smoking area in restaurants from 15% to 35% and now includes buses other than only school ones)
 - (j). No challenge so far to the bylaw (Regina, Halifax)
- (B). Different bodies enforce the bylaw in different areas.
- (a). Health Department in Toronto
 - (b). Partly health Department, partly building inspection in Winnipeg
 - (c). Partly Health Department, partly police in CRD.
 - (d). Police morality squad in Ottawa
 - (e). Police in Halifax
 - (f). Bylaw Enforcement Officer in West Vancouver
 - (g). Not specifically stated in others.
- (C). Method of enforcement seems similar in the different areas. On complaint a visit is made or a courtesy call, a verbal warning is followed if necessary by a written one. Seems to work in view of paucity of prosecutions.

2. COMPLIANCE.

- All seemed to have expected difficulties with compliance but this seems to be small.
- (a). Foresees difficulties if a person fails to stop (Hamilton)
 - (b). Signs are posted but merchants reluctant to call the police (Halifax)
 - (c). Not known how well the bylaw is being implemented (Saskatoon)
 - (d). Militant nonsmokers are those most complaining (Edmonton)
 - (e). Generally well accepted, observed by most, complaints and questions are relatively minor, positive reaction far outweighs the negative (Winnipeg).
 - (f). Compliance seems good, but lately seems some more defiance (Hamilton).
 - (g). Compliance good and bylaw observed by most (Saskatoon)
 - (h). Observed by most (Edmonton)
 - (i). Very few complaints (Guelph).
 - (j). Still fair number not complying with new bylaw (CRD, West Vancouver).

PERHAPS
BECAUSE
F RELUCTANCE
TO ENFORCE

3. PROSECUTION.

- Apprehension was expressed in advance over cost and difficulties of prosecutions but few prosecutions have actually occurred.
- (a). Ottawa has had several for signs. Numbers do not reflect total time
 - (b). Toronto has had a total of six. Five in 1978, one in 1983, none since.
 - (c). Edmonton and Regina have each had one only each (successful).
 - (d). Ottawa has had none re smokers.
 - (e). CRD., Guelph, Halifax, Hamilton, Saskatoon, West Vancouver and Winnipeg none.

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4. ASSORTED PROBLEMS

These were indeed "assorted" reflecting practical experience with similar type by-laws:-

- (a). Saskatoon had problems with non designated areas, difficulty in obtaining the signs, lack of information to the public of information and detail on the bylaw, lack of a specific agency in charge of the enforcement and lack of an educational program.
- (b). Winnipeg identified more specific problems to do with just what should or should not be included. After discussion they excluded such things as the Legion, the wal through in Shopping Malls, reception areas if there was only one clerk and the foyers of apartment from the non-smoking ban. They found that some restuarants objected to the gaudiness of non-smoking signs and in ten cases non-smoking was relegated to the more undesirable area of the restuarant.
- (c). Ottawa at the outset was inundated with 250 complaints from non-smokers associations but this abated.
- (d). Edmonton identified problems with the "summons" and also the scattering of non-smoking tables throughout the smoking area.
- (e). Edmonton also find the non-smoking advocates are still asking for further enforcement but all in all the bylaw appears to be doing well.

5. RESTUARANTS

Since restuarants were commented upon so often in the citizen's comments on the CRD bylaw it is possibly worth giving them a paragraph of their own.

- (a). Applicability: Six areas (CRD, Halifax, Maple Ridge, Ottawa, Regina and West Vancouver) give them a choice but in three (CRD, Maple Ridge and West Vancouver) notice as to whether or not there is a non-smoking area must be posted at the entrance. Four areas (Edmonton, Saskatoon, Toronto [recently] and Winnipeg) give no choice (although in an accompanying letter Saskatoon seemed to suggest there was a choice and it was working with the Saskatchewan's Restuarant Association to implement it.) One area (Hamilton) has no smoking but the owner can designate not more than 80% as smoking. One area (Guelph) does not include restuarants in the bylaw.
- (b). Ottawa has set up a task force to inform the public as to the benefits, to convince the restuarant operators to implèment a non-smoking area voluntarily, to post a sign indicating that there is a non-smoking area, to increase by 50% the number of dining establishments that provide non-smoking areas, to encourage 100% to post signs, and to update their pamphlet.

6. ADVICE PUBLIC NOTICE.

This is the benefit if the practical experience of areas that have already had the bylaw in effect up to 7 years and should be heeded.

- (a). The importance of informing the public both beforehand (Winnipeg) and currently (Winnipeg, Saskatoon) by as many means as possible including such things as phone in lines, advertising, copies of the bylaw etc.
- (b). The importance of making sure signs are available and easily obtainable. (Saskatoon).
- (c). The importance of clearly establishing who is responsible for enforcing the Bylaw (Saskatoon).
- (d). The importance of establishing a system to monitor the bylaw (Saskatoon)
- (e). Allow sufficient time between passage of the bylaw and implementation.

The dates when the bylaws came into effect in the various places is as follows:
 Guelph passed 77/02/21; Toronto passed 79/05/14; Ottawa 79/06/06; Halifax
 passes 80/06/26; Hamilton passed 81/01/01; Edmonton passed 81/01/13; Regina
 passed 81/02/23; Saskatoon passed 81/06/29; Winnipeg passed 83/09/28; West
 Vancouver passed 84/03/19; CRD passed 84/07/24; Maple Ridge passed 84/08/20.

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RESTRICTION OF SMOKING IN PUBLIC PLAC.
CURRENT(1985)BY-LAWS IN B.C.SUMMARIZED.

APPENDIX III

Areas with by-laws.

Burnaby has a very limited bylaw covering food premises only. The other areas with bylaws are the Capital Regional District, Maple Ridge and West Vancouver. Copies of the bylaws for each of these three areas are attached.

Definitions

All three bylaws define what is meant by retail premises, restaurants, place of public assembly, service line, reception area, private social function, proprietor although there are some differences in such definitions. Additionally the C.R.D. defines Board, Bank, government office, personal service establishment and smoking etc. while Maple Ridge and West Vancouver define bus, district, patient care and service counter.

Retail Shops

West Vancouver does not include retail shops. Maple Ridge restricts prohibition to stores where foodstuffs open to the air are sold. The C.R.D. is much more comprehensive and includes all (except where only trade is in tobacco etc.) but does allow for some designated areas (rest rooms, offices used by staff, restaurants and lunch counters) where smoking can be permitted.

Personal Services Establishments

While West Vancouver and Maple Ridge do not mention these the C.R.D. asks for a non smoking area of not less than 25% of the total area where there are more than ten seats.

Banks and Government Offices

All three ban smoking at service counters and service lines in any bank or financial institution; or municipal office. Two (Maple Ridge and C.R.D.) include other government offices and one (Maple Ridge) also includes service centres in other public offices. All three include service lines in the ban.

Medical Facilities

The C.R.D. leaves it up to the hospital or clinic authorities to designate smoking areas, while both Maple Ridge and West Vancouver ban smoking in all patient care and public access areas but allowing hospital authorities to designate up to 50% as smoking areas - in the case of Maple Ridge the 50% is only in public access areas while in West Vancouver it is any area.

Places of Public Assembly

While Maple Ridge and West Vancouver state no smoking unless an area is designated which shall not exceed 50% of the total. the C.R.D. is much more restrictive in that in the calculation of this 50% area in which smoking is allowed there is excluded from the calculation the seating areas (e.g. in a theatre), the display areas of museums and art galleries and areas where the fire commissioner bans smoking.

Restaurants

While all three require signs to be posted at the entrance to the restaurant to show whether or not there are non smoking areas, the C.R.D. and West Vancouver go further to state that the non smoking area should be at least 25% of the whole, although in West Vancouver the bylaw only applies where there are more than thirty seats.

Reception Areas

Only the C.R.D. bylaw mentions reception areas in general and specifically it states that smoking is banned if the reception area is smaller than 280 sq.ft. while in bigger areas not more than 50% will be a smoking area.

Elevators, Escalators etc.

All three include elevators and escalators in any building (West Vancouver restricts it to those covered by the Factories Act) while the C.R.D. also includes inside stairs.

Taxicabs

Only the C.R.D. includes taxis and all have to agree before smoking permitted.

Buses

In all three areas no smoking is allowed on school buses; In Maple ridge municipally owned or operated buses are included; in C.R.D. all buses are included.

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THE FOLLOWING PAGES ARE A SUMMARY OF THE WRITTEN RESPONSES FROM THE PUBLIC TO THE PROPOSED C.R.D. BYLAW RE RESTRICTION OF SMOKING IN PUBLIC PLACES. (SPRING OF 1984.)

RECEIVED
COQUITLAM
JUN - 5 1985
SIMON FRASER
HEALTH DISTRICT

SUMMARY OF RESPONSES TO THE SMOKING RESTRICTION BYLAW (PROPOSED)
(Grouped by Subject Matter - Updated to 15.3.84)

*Answers
to
Simon Fraser
Health
District
How many total
responses?*

APPENDIX IV

Recognized Health Hazard:

Fifty-seven of the respondents recognized a health hazard in general, to themselves, or their children (1,4,5,8,9,11,13,14,16,23,24,25,26,26a,27,33,37,40,46,47,48,50,51,53,55,58,61,62,66,-68,70,71,73,74,76,79,84,85,86,90,94,96,98,100,103,105,107,110,111,112,114,119,126,129,130,137,-138,139); one minimizes it (45).

Contributing to Discomfort:

Fifty-three considered it contributed to discomfort, (1,2,9,6,10,12,17,24,25,27,28,29,33,36,-40,46,47,50,51,52,61,63,64,66,67,68,74,75,78,79,82,83,84,86,92,93,98,102,103,104,105,106,107,-110,116,117,118,128,129,140,141); another two were concerned about dropped ashes (23,84).

Additional Areas to be Covered:

Several additional areas to be covered were suggested: These varied from the extreme of no smoking except in own home (70), and no smoking in any public place (34,44,48,65,92,95,113) to specific areas. Some of these suggestions might already be included, e.g: lunch counters (50), bars and other alcoholic outlets (7), corridors (58) and schools, colleges, universities etc., (31,48,58) but should be checked to make sure. Others are not in our jurisdiction, e.g: airlines (19, 32, 35, 79, 84) but perhaps the comments should be forwarded to the Civic Aviation Authorities. Others included bus shelters (24,37,40,50,131,138), rest rooms, (50, 58), all restaurants (35, 70), senior citizens lounges (74), ferry terminal (E7), bowling alley (73), work place (5,14,62,85,96,100), ferries (32), homes for seniors (79). Others suggested the non-smoking areas should be increased to 50% in places of public assembly (50,62); personal service establishments (58), restaurants (58, 62).

Exclusions of those Included:

One (31) suggested recreational facilities, stores and restaurants should be excluded; two others (26a and 81) also felt restaurants should be excluded. One (62) felt that premises with good ventilation should not be excluded from the bylaw.

Increased Emphasis:

Special emphasis was urged by nine (5,27,31,66,85,92,104,110,113) on workplaces; by three (31,67,72) on hospital areas; by nine on banks (31,44,67,89,96,103,109,129,138), three on checkouts (77,85,116); thirteen on food stores (19,40,44,48,65,77,84,85,89,93,103,106,114); six on elevators (48,62,69,85,96,97); three on buses (24,97,109); five on waiting rooms (19,97,109,114,129); nine on department stores (86,89,96,103,114,122,129,131,138); two on theatres (62,109); one on taxis (69); one on meetings (63); by one on Government Buildings (89); and by thirty-seven on restaurants (19,26,30,32,34,35,37,48,52,53,62,64,69,70,71,72,73,-74,78,79,84,85,86,89,91,92,95,96,97,100,108,114,116,122,129,136,138).

Restaurants:

In contradistinction to the thirty-seven wanting greater emphasis on non-smoking areas in restaurants, four (26a,31,81,133) felt they should be excluded, and three more (31,81,115) felt it should be at the operator's discretion. One (81) felt all restaurants would meet the air change criteria, while one (72) felt that ventilation should not be a reason for exclusion. Five (35,70,74,77,37) felt the bylaw should apply to all restaurants, while another three (58,62,100) felt the no-smoking area should be increased up to 50%, and one other (34) felt smoking should only be allowed if area enclosed. ... is forced ventilation. Two others (53,73) felt restaurants would welcome it to prevent unfair competition, while one (91) noticed that where restaurants do have "no smoking" areas, there are usually more people in the "no smoking" areas than in the "smoking" areas. One (61) asked that the smoke free area be smoke free, but another (99) felt a truly smoke free area cannot be provided. One (108) felt the reek would stay even if smoking stopped, while one (92) felt that the clauses under "Restaurants" should be reworded to conform with most other clauses but retain the "contiguous" clause. Nine stated their reluctance to dine out because of others smoking (32,52,64,69,73,92,95,108,129), perhaps the restaurateurs should listen!

... Cont'd:

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RESPONSES TO SMOKING RESTRICTION BYLAW, BY SUBJECT MATTER ... Cont'd:

Page 2.

Attitudes:

It is realized attitudes towards smoking have changed (2), non-smokers are now in the majority (5, 24, 26a, 33, 34) and they are no longer willing to have forced inhalation (3,33). The matter of non-smokers' rights were important to twelve (8,11,22,48,59,66,70,71,72,-98,103,104), and rights of both smokers and non-smokers must be clearly defined. It is largely a matter of courtesy (86). One (98) felt the considerations smokers would be expected to give could be compared to the consideration given to the handicapped for parking, or for seats on the bus, but, with some persons, legislation is necessary if disliked (64), as there seems to be no alternative. One (60) felt C.R.D. had lost its perspective and charter in proposing this bylaw, while to another (45) it was offensive to his logic, proportion or fair play and we must accept the bad habits of others. One (31) felt it was important to differentiate places we must go to from those we elect to go to. In all, forty-one had something to say about attitudes (1,2,3,5,8,11,16,22,26,26a,27,30,31,33,34,45,48,49,59,60,64,-66,70,71,72,86,92,93,96,98,102,103,104,106,110,117,122,126,129,131,138,140)

Enforcement:

Five (1,2,26a,64,96) felt that the right laws and well defined regulations were needed. Two (2,11) felt the laws would be respected, one (80) did not. One (26a) felt the bylaw would be enforceable, six (22,80,81,97,115,132) saw difficulties with enforcing it (low public priority, etc.) Three (34,61,127) asked that enforcement should be ensured. One (62) felt the fines should be higher. One (37) felt that, as an alternative to the bylaw, there should be mandatory no smoking areas, while two others (58, 62) felt "smoking allowed" areas should be set up and all other areas would be "no smoking". One (114) felt it would not be necessary to police it. It would take care of itself.

Smokers:

One (77) hoped the bylaw would help smokers plus non-smokers alike. Twelve (1,6,10,12,17,25, 26a,29,36,51,75,78) even suggested smokers might welcome the guidelines as to where they could smoke unmolested. Two (69,85) felt smokers would not be too greatly inconvenienced (one pointed out there is no smoking in the new Vancouver Stadium), one other (98) felt smokers would be inconvenienced to some degree. Five (3,26a,26,47,49) don't mind people smoking in other places.

Problems:

Some problems were of course identified, but not by too many people. Three (26,80,81) felt it was not enforceable, and one each felt it would not be respected (80), would have only low police priority (81), there would be expense and difficulties in segregation (7) and ventilation systems tended to be draughty (72), and ventilation exclusion (14c) should be removed (62,72,92). One (110) wondered what the definition of a Government Office was.

Welcome:

On the other hand, some felt that small businesses would welcome the bylaw (26a, 82) and so might also restaurants (53,73) and bankruptcy not usual because of it (26). Even smokers might welcome it (1,6,10,12,17,25,26a,29,36,51,75,78).

Assorted:

Nine (34,50,56,57,58,62,84,89,121) stated it was long overdue, and two (26a,53) pointed out other cities are ahead of us. Five (5,26,48,73,84) objected to paying health costs for smokers; and one each felt non-smokers should get tax and insurance breaks (48), that the definition of smoking should be broadened (62,92) and that maybe a copy of the bylaw be sent to the non-smokers rights group (58). One (102) felt private operations could allow it, so should be banned in public areas.

No Special Comments:

Twenty-three, (15,18,20,21,41,42,43,44,54,56,59,83,87,88,89,101,109,120,123,124,125,134,135), make no special additional comments except to state they favoured a bylaw.

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THE CORPORATION OF THE CITY OF PORT COQUITLAM

APPENDIX V

BYLAW NO.

A Bylaw for the purpose of controlling
the places where people may smoke.

Whereas the approval of the Minister of Health is necessary for any bylaw adopted pursuant to Section 692 of the Municipal Act;

And Whereas it has been determined that second hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many inhabitants of the City of Port Coquitlam;

And Whereas it is desirable for the health, safety and welfare of the inhabitants of the City of Port Coquitlam to prohibit or regulate smoking, or both, in the City of Port Coquitlam as in this Bylaw more particularly set out.

Now Therefore the Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

In this Bylaw, unless the context otherwise requires.

- (a) "Council" means the Municipal Council of The Corporation of the City of Port Coquitlam.
- (b) "Retail shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, but does not include a place where the only trade or business carried on is that of the custom blending of tobaccos, or sale of tobaccos, pipes, cigars or smokers sundries;
- (c) "Restaurant" means any food premises as defined in the British Columbia Regulations Governing the Sanitation and Operation of Food Premises, whether permanent or temporary, fixed or mobile, in which prepared food is served to the public in exchange for money or services, or any place to which the public has access for the purpose of purchasing prepared food for human consumption on the premises;
- (d) "Place of public assembly" means a building or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement, but does not include a place where a private social function is being held or a restaurant;
- (e) "Bark" includes credit union, trust company, savings or loan company or other financial institution;
- (f) "Service line" means an indoor line or two or more persons awaiting services of any kind, regardless of whether or not such services involves the exchange of money, including but not limited to, sales, provision of information, transactions or advice and transfer of money or goods;
- (g) "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;
- (h) "Government office" means an office of the Government of Canada, the Government of the Province of British Columbia, or the City of Port Coquitlam;

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- (i) "Private social function" means a special social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education;
- (j) "Personal services establishment" means an establishment in which a person provides a service to or on the body of another person, and includes but not limited to a barber shop, beauty parlor, health spa, massage parlor, tattoo shop, sauna and steam bath;
- (k) "Proprietor" means the person who ultimately controls, governs or directs the activity carried on within the kinds of premises referred to in this Bylaw and includes the person actually in charge thereof;
- (l) "Smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or other lighted smoking equipment.

2. RETAIL STORES

- (a) No person shall smoke in a retail shop except in a part thereof used as a restaurant or lunch counter subject to Section 7; or a rest room or a part of the retail shop used as offices by members of the staff;
- (b) The proprietor of every retail store shall ensure the signs or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 2(a) applies.

3. PERSONAL SERVICES ESTABLISHMENTS

- (a) Subject to Subsection 3(b), non-smoking areas shall be designated by the proprietor of any personal services establishment having a seating capacity of more than ten (10) persons. The non-smoking areas shall be not less than 25% of the total seating capacity.
- (b) When a proprietor designates a non-smoking area, the seating shall be arranged to be contiguous to provide a non-smoking area.
- (c) The proprietor of every personal services establishment shall ensure that a sign or signs prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 3(a) applies.

4. BANKS AND GOVERNMENT OFFICES

- (a) No person shall smoke at any service counter in a bank or government office.
- (b) The proprietor of every bank or government office shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 4(a) applies.

5. COMMUNITY CARE FACILITIES AND HEALTH CLINICS

- (a) No person shall smoke in a community care facility or health clinic except in any portion thereof designated as a smoking area by the community care facility or health clinic authorities.

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- (b) The proprietor of every community care facility and health clinic shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 5(a) applies.

6. PLACES OF PUBLIC ASSEMBLY

- (a) Subject to Subsection 6(b), no persons shall smoke in an area being used as place of public assembly.
- (b) The proprietor of a place of public assembly may designate an area, not to exceed 50% of the total floor area of such place of public assembly as smoking area.
- (c) An area designated in accordance with Subsection (b) shall not include:
- (i) The seating areas in theatres, motion picture theatres, music halls, lecture halls which include classrooms, concert halls, auditoriums, gymnasiums, swimming pools, indoor sporting areas and libraries;
 - (ii) The display areas of museums and art galleries;
 - (iii) An area in which smoking is prohibited by the Fire Commissioner or by another law, bylaw or regulation;
- and these areas shall not be included in the calculation of the total floor area.
- (d) The proprietor of every place of public assembly shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 6(a) applies.

7. RESTAURANTS

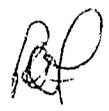
- (a) The proprietor of a restaurant shall display in a conspicuous place so as to be visible to persons at the entrance to the restaurant a sign or signs indicating whether or not a non-smoking section is provided in the restaurant. The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches). The sign or signs shall carry one of the following texts:

SMOKING AND NON-SMOKING SEATING
AVAILABLE:

NO NON-SMOKING SEATING, or

NON-SMOKING SEATING ONLY

- (b) Subject to Subsection (d)(i) the proprietor of a restaurant may designate non-smoking areas in the restaurant;
- (c) Included in the text at the bottom of each sign "The Corporation of the City of Port Coquitlam Bylaw No. ".


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(d) Where a non-smoking area is designated:

- (i) The non-smoking area shall be not less than twenty-five percentum (25%) of the total seating capacity of the restaurant;
- (ii) The non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area;
- (iii) The proprietor of every restaurant shall ensure that the sign or signs as prescribed by Subsection (a) hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 7(d) applies.

8. RECEPTION AREAS

- (a) Except as provided in Subsection (b), no person shall smoke in a reception area.
- (b) The proprietor may designate an area of not less than 13 square metres (140 square feet) and not more than fifty percentum (50%) of the floor area of the reception area for the purpose of smoking.
- (c) The proprietor of every reception area shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 8(a) applies.

9. ELEVATORS, ESCALATORS AND INSIDE STAIRWAYS

- (a) No person shall smoke in an elevator, an escalator, or on an inside stairway in any building.
- (b) The proprietor of every building or any building or part thereof shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise by this Bylaw permitted shall be conspicuously posted so as to apply clearly to the areas regulated by Subsection 9(a).

10. TAXICABS

- (a) No person shall smoke in a taxicab, except with the consent of all passengers and the driver of the taxicab.
- (b) The proprietor in any taxicab to which Section 10(a) applies shall ensure that a sign or signs as prescribed by Section 13 hereof or otherwise permitted by this Bylaw shall be conspicuously posted so as to be clearly visible from all parts of the taxicab.

11. BUSES

No person shall smoke on a school or public bus.

12. SERVICES LINES

No person shall smoke in any indoor service line on any premises.


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13. SIGNS

- (a) For the purpose of Subsection (b) hereof, the "letter height" means the actual height of the letter regardless of whether it is a capital or lower case letter.
- (b) Whereby a Section of this Bylaw is to be in accordance with this Section, such sign shall:
- (i) Carry the text "No Smoking", in capital or lower case letters or a combination thereof.
 - (ii) Consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour.
 - (iii) With respect to size of lettering, to be not less than the following height based upon the maximum viewing distance in direct line of sight for:
 - A. Three (3) metres (10 feet) or less, letter height of 2.5 centimetres (1 inch).
 - B. 6.1 metres (20 feet) or less, letter height of 5.1 centimetres (2 inches).
 - C. 12.2 metres (40 feet) or less, letter height of 7.6 centimetres (3 inches).
 - D. 24.4 metres (80 feet) or less, letter height of 10.2 centimetres (4 inches).
 - E. 48.8 metres (160 feet) or less, letter height of 15.2 centimetres (6 inches).
 - F. 73.1 metres (240 feet) or less, letter height of 20.32 centimetres (8 inches).
- (c) Include in the text at the bottom of each sign "City of Port Coquitlam Bylaw No. Maximum Penalty \$. " in letters not less than 1.3 centimetres (1/2 inch) in height for signs with letter size of 2.5 centimetres (1 inch), and not less than one-quarter of the height of the letters on all other sizes of letter
- (d) Notwithstanding the provisions of Subsection (a), one of the following graphic symbols may be used to indicate "no smoking areas". Each symbol shall include the text "City of Port Coquitlam Bylaw No. Maximum Penalty \$. " in letters and figures at least five percentum (5%) of the diameter of the circle in the symbol and there may be added appropriate symbols, such as directional arrows. Any such symbol shall be on a white background with a circle and interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Section.

(samples of symbols as per above specifications to be inserted)


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(e) With respect to size of the graphic symbol, the diameter of the circle and the symbol referred to in Subsection (d) hereof shall be not less than the number of centimetres (inches) prescribed below, based upon the maximum viewing distance and direct line of sight, as follows:

- (i) 3 metres (10 feet) or less, 10.2 centimetres (4 inches).
- (ii) 6.1 metres (20 feet) or less, 15.2 centimetres (6 inches).
- (iii) 12.2 metres (40 feet) or less, 20.32 centimetres (8 inches).
- (iv) 24.4 metres (80 feet) or less, 20.32 centimetres (8 inches).
- (v) 48.8 metres (160 feet) or less, 40.6 centimetres (16 inches).
- (vi) 73.1 metres (240 feet) or less, 61 centimetres (24 inches).

(f) Notwithstanding that the symbol in Subsection (d) hereof is a cigarette, it shall include a lighted cigar, cigarette, pipe or other lighted smoking equipment.

14. GENERAL

(a) In every area where smoking is not permitted under this Bylaw, the proprietor shall post or have posted and continue to post a sufficient number of signs, as prescribed in Section 13, prominently displayed so as to be clearly visible from all points to which such no smoking applies.

(b) Where a smoking area has been designated under this Bylaw, such area shall bear a sign or signs "smoking in this area only". Where an area has been so designated, smoking shall be permitted in that area, and such sign shall be prominently displayed so as to be clearly visible from all points to which smoking applies and such signs shall comply with the requirements in Subsection 13(b)(ii) and (iii).

(c) This Bylaw shall not apply to a private social function.

15. OFFENCES

(a) The proprietor of any premises to which this Bylaw applies shall ensure that the sign or signs prescribed in Section 13 hereof or otherwise permitted by this Bylaw shall be prominently displayed so as to be clearly visible to persons.

(b) Any proprietor who fails or neglects to perform the duty imposed upon him by Subsection (a) hereof shall be guilty of an offence and liable to a penalty of not more than \$

(c) No person shall smoke in any place or area designated as a non-smoking area under this Bylaw.

16. PENALTY

Any person who contravenes the provisions of this Bylaw is guilty of an offence and, on summary conviction, is liable to a fine of not less than \$25.00 and not more than \$ for the first offence; and not less than \$75.00 and not more than \$ for the second offence; and not less than \$150.00 and not more than \$ for the third and subsequent offence.

17. This Bylaw may be cited as the "City of Port Coquitlam Smoking Control Bylaw, 1986, No. ".