

# CITY OF VANCOUVER BRITISH COLUMBIA



## HEALTH BY-LAW NO. 9535

This By-law is printed under and  
by authority of the Council of  
the City of Vancouver

(Consolidated for convenience only  
to March 13, 2018)

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BY-LAW NO. 9535

A By-law to provide for the care, promotion,  
and protection of the health of inhabitants

[Consolidated for convenience only,  
amended to include By-law No. 12062  
effective January 1, 2019]

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1  
INTERPRETATION

Name of By-law

1.1 The name of this By-law, for citation, is the "Health By-law".

Definitions

1.2 In this By-law:

"building" includes a structure;

"burning" means to produce smoke, vapour or other substances that can be inhaled;

"business" means a business, trade, profession, or other occupation for which a person must obtain a license under the License By-law;

"common areas" include lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

"customer service area" means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with a business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;

"neonicotinoid" means a class of synthetic pesticides derived from nicotine that may be applied to seeds, soil and foliage including but not limited to imidacloprid, clothianidin, thiamethoxam, dinotefuran, thiacloprid and acetamiprid;

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

"responsible person" means a person who owns, controls, manages, supervises, or operates:

- (a) a business or other use which occupies all or substantially all of a building,

- (b) a business or other use which occupies premises,
- (c) common areas, or
- (d) a customer service area,

and, in respect of common areas, includes a strata corporation or cooperative association, and also means a person who drives a vehicle for hire;

“smoke” or “smoking” includes burning a cigarette or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device or electronic smoking device; and

“vehicle for hire” means a vehicle for hire defined in the Vehicles for Hire By-law.

### **Table of contents**

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

### **Schedules**

1.4 The schedules attached to this By-law form part of this By-law.

### **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

### **Duty of administration and enforcement**

1.6 The intent of this By-law is to set standards in the general public interest, and not to impose a duty on the city or its employees to enforce its provisions, and:

- (a) a failure to administer or enforce its provisions, or the incomplete or inadequate administration or enforcement of its provisions, is not give to rise to a cause of action in favour of any person; and
- (b) the grant of any approval or permission or issuance of any permit is not a representation, warranty, or statement of compliance with the By-law, and the issuance thereof in error is not to give rise to a cause of action.

## **SECTION 2 HEALTH REGULATIONS**

### **Ban on certain behaviours**

2.1 A person must not expectorate, urinate, or defecate on or in any street or other public place, except in a location in a public building or facility provided specifically for such purpose.

## **Ban on smoking**

2.2 A person must not smoke:

- (a) in a building, except in:
  - (i) a dwelling unit or sleeping unit defined under the Zoning and Development By-law including a dwelling unit in which an owner or occupier also carries on a business,
  - (ii) a hotel or motel room or suite designated for smoking by a responsible person, or
  - (iii) enclosed premises:
    - (A) that are not open to the public,
    - (B) that are not private clubs or smoking clubs, a purpose of which is to allow patrons, customers, or other persons to smoke, and
    - (C) where the only occupants are the owner or owners of the business carried on in the premises;
- (b) in a vehicle for hire;
- (c) on public transit including a school bus, passenger bus, ferry, or rapid transit;
- (d) in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit;
- (e) within six metres measured on the ground from a point directly below any point of any opening into any building including any door or window that opens or any air intake;
- (f) in a customer service area;
- (g) in a plaza identified in heavy black outline in Schedule "B"; and
- (h) within six metres of the perimeter of a customer service area.

## **Enforcement of ban on smoking**

2.3 Except as permitted by section 2.2, a responsible person must not suffer or allow a person to smoke in:

- (a) a building or customer service area;
- (b) premises or common areas;

- (c) an area described in section 2.2(e) or (g) except to the extent that all or part of such area is not part of the parcel on which the building or customer service area is situated and is not an area over which such responsible person has possession or control; or
- (d) in a vehicle for hire.

**Signs banning smoking**

2.4 A responsible person must display, or ensure the display of, a sign at all times:

- (a) at each entrance to a building or customer service area or to premises, or in a vehicle for hire, where section 2.2 prohibits smoking, stating:

THIS IS A SMOKE FREE ENVIRONMENT - NO SMOKING; and

- (b) on each exterior wall of a building, where section 2.2 prohibits smoking, stating:

SMOKING IS PROHIBITED WITHIN SIX METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE.

**Sign requirements**

2.5 All signs referred to in section 2.4 must:

- (a) include the text "City of Vancouver Health By-law" in letters not less than one quarter of the height of all other letters on the sign;
- (b) display the international symbol to designate "No Smoking", or, in areas where smoking is permissible, the international symbol to designate "Smoking Permitted", which symbol must occupy at least 25% of the size of the sign;
- (c) consist of at least two contrasting colours, except that if the lettering is on a clear panel then the lettering must contrast to the colour of the background;
- (d) be at least 30 cm by 15 cm except that a sign in a vehicle for hire must be at least 9 cm by 11 cm;
- (e) be clearly visible; and
- (f) except for the text specified in subsection (a), consist of lettering, whether upper case or lower case, that is not less than the following heights based upon the following maximum viewing distances in direct line of sight:

<u>Viewing Distance</u>	-	<u>Letter Height</u>
Up to 3 m	-	1 cm
Up to 6 m	-	2 cms
Up to 12 m	-	4 cms

### **Condition of signs**

2.6 A person must not remove, alter, conceal, deface, or destroy any sign required under this By-law.

### **Regulation of smoking in parks**

2.7 The Board of Parks and Recreation is authorized to enact by-laws to regulate smoking in parks for the care, promotion and protection of the health of people in parks.

2.8 Sections 2.2, 2.3, 2.4, 2.5 and 2.6 of this By-law do not apply to parks regulated by the Park Board Smoking Regulation By-law.

### **Ban on pesticides**

2.9 A person must not apply, or suffer or allow the application of, a pesticide:

- (a) that is a neonicotinoid; or
- (b) that is a registered control product under the Pest Control Products Act (Canada); and

that persons use directly or indirectly to control, destroy, attract, or repel a pest, being:

- (i) an animal, plant, or other organism that is directly or indirectly injurious, noxious, or troublesome, or
- (ii) an injurious, noxious, or troublesome condition or organic function of an animal, plant, or other organism, or to mitigate or prevent any injurious, noxious, or troublesome effects of a pest.

### **Exception to ban on pesticides**

2.10 Despite section 2.9, a person may apply, or suffer or allow the application of, a pesticide other than a neonicotinoid:

- (a) to disinfect swimming pools, whirlpools, spas, or wading pools;
- (b) to purify water intended for the use of human beings or animals;
- (c) within an enclosed building, being an area closed in by a roof or ceiling and walls with appropriate openings for ingress or egress equipped with doors which are kept closed except when actually in use for ingress or egress;
- (d) to control termites;
- (e) to control or destroy a health hazard;

- (f) to control or destroy pests which have caused infestation to property, being the presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage;
- (g) to exterminate or repel rodents;
- (h) as a wood preservative;
- (i) as an insecticide bait enclosed by the manufacturer in a plastic or metal container made in a way that prevents or minimizes access to the bait by human beings and pets;
- (j) as an insect repellent for personal use; or
- (k) that contains only one or more of the active ingredients set out in Schedule A to this By-law.

### SECTION 3 MARINAS

#### Definitions

3.1 In this section:

“discharge” means any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping;

“Environmental Protection Officer” means a person employed by the City or appointed by the Council to enforce all or part of section 3 of this By-law;

“garbage” means solid waste that is not food waste or recyclable material;

“marina” means any installation operated under public or private ownership, which provides moorage space for vessels;

“marine toilet” means any toilet on or within a vessel;

“oil” means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes;

“polluting substance” means any substance, whether liquid or solid, that is capable of damaging marine waters or the environment and includes but is not limited to oil, sewage and solid waste;

“potable water” means water which meets the Guidelines for Canadian Drinking Water Quality;

“pump-out facility” means a device or method designed for the removal of sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet, and includes a portable pumping system;

“recyclable material” means solid waste that has been designated as recyclable by the City Engineer;

“vessel” means any boat, hull barge or houseboat which is afloat, whether self-propelled or not, and includes pleasure, live-aboard and commercial craft; and

“visiting vessel” means a transient or guest vessel docked at a marina without a moorage agreement, and includes vessels operated by persons seeking day use, overnight use, or other marina services on a space-as-available basis.

### **Marina Supervision**

3.2 Every owner or operator of a marina shall supervise the operation of the marina and maintain the operation in conformance with this By-law.

### **Potable Water**

3.3 Potable water supplied to a vessel moored in a marina must be conveyed in such a manner as to maintain the quality and safety of the water.

### **No Vessel to Discharge Polluting Substance**

3.4 No person, including an owner of a vessel, shall cause, permit or allow the discharge of a polluting substance from a vessel into a watercourse or other body of water.

### **No Marina to Discharge Polluting Substance**

3.5 No owner or operator of a marina shall cause, permit or allow the discharge of a polluting substance from marina operations or from any vessel moored at the marina into a watercourse or other body of water.

### **Post Signs**

3.6 Every marina owner or operator shall post and maintain at least four (4) signs no larger than 0.2 meters squared in conspicuous locations prohibiting the discharge of sewage, oil and other polluting substances from a vessel.

### **Vessel Waste Management**

3.7 No person, including an owner of a vessel, shall cause, permit or allow the discharge or removal of garbage, food waste or recyclable material from any vessel other than into a garbage, food waste or recycling container.

### **Marina Waste Management**

3.8 No owner or operator of a marina shall cause, permit or allow the discharge or removal of garbage, food waste or recyclable material from marina operations or from any vessel moored at the marina other than into a garbage, food waste or recycling container.

## Marina Maintenance

3.9 Every marina owner or operator shall:

- (a) provide containers designed for the collection and disposal of waste oil and empty oil containers;
- (b) provide an adequate number of covered containers for the collection of garbage, food waste and recyclable material, and locate the containers conveniently where they can be readily seen and used;
- (c) make provisions for regular servicing and emptying of waste oil, garbage, food waste and recycling containers so as to prevent the overflowing of container contents, foul odors and generation of insects or other pests;
- (d) post and maintain signage in conspicuous locations within the marina identifying the location of waste oil, garbage, food waste, and recycling containers;
- (e) maintain the marina property and buildings free of pests and of conditions which attract, provide shelter for or promote the propagation of pests; and
- (f) ensure that all infrastructure, including buildings, docks, floats, gangways, piers and ramps, is kept in good repair.

## Sewage Pump-out Facilities

3.10 Every marina owner or operator providing services to any vessel with a marine toilet shall provide an easily accessible and operational pump-out facility for visiting vessels and every other vessel moored at the marina.

## SECTION 4 INSPECTIONS

### 4.1 Inspections

- (1) Any employee of the City employed or appointed to enforce all or part of this By-law is authorized to inspect, at a reasonable time and in a reasonable manner, real property and personal property in the City in order to determine compliance with this By-law.
- (2) No person shall hinder or prevent any authorized person from entering and making reasonable inspection of any real or personal property whenever necessary to secure or determine compliance with or prevent a violation of any provision of this By-law.
- (3) Any person who interferes with or obstructs the entry into any premises or real property of any person authorized to enforce this By-law after that person has identified himself or herself, is guilty of an offence under this By-law.

**SECTION 5  
OFFENCES AND PENALTIES AND ENFORCEMENT**

**Notice of violation**

5.1 Any person appointed or employed to enforce this By-law may issue an Order to Comply to any person considered to be violating this By-law, ordering or directing that person to:

- (a) discontinue or refrain from any action which contravenes this By-law, or
  - (b) take any action necessary to comply with this By-law;
- within such period of time as specified in the Order to Comply.

**Service of order**

5.2 An Order to Comply may be served:

- (a) by mailing it by registered post to the owner of the applicable site at the address shown on the real property tax assessment roll;
- (b) by mailing it by registered post to the person who is the addressee of the Order to Comply;
- (c) by handing it to the person who is the addressee of the Order to Comply; or
- (d) if the Order to Comply refers to property, by posting it on the property.

**Offences under By-law**

5.3 A person who:

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

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 5.

**Fine for offence**

5.4 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each offence, except that

a person who commits an offence under section 2.3 or 5.3(c) of this Bylaw is liable to a fine of not less than \$500.00 for each offence.

**Fine for continuing offence**

5.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.

**SECTION 6  
REPEAL AND ENACTMENT**

**Repeal**

6.1 This By-law repeals By-law No. 6580.

**Force and effect**

6.2 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 2<sup>nd</sup> day of October, 2007

Signed \_\_\_\_\_ "Sam Sullivan"  
Mayor

Signed \_\_\_\_\_ "Syd Baxter"  
City Clerk

**SCHEDULE A  
PERMITTED PESTICIDES**

acetic acid	pesticides in aerosol containers
animal repellents except thiram	pesticides registered under the federal Act for application to pets
anti-fouling paints	piperonyl butoxide
antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for applying the preservatives	plant growth regulators
asphalt solids used as pruning paints	polybutene bird repellents
bactericides used in petroleum products	pyrethrins
boron compounds	resmethrin
boron compounds with up to 5% copper for insect control and wood preservation	silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel
capsaicin	silicon dioxide, also referred to as diatomaceous earth
cleansers	slimicides
corn cellulose	soaps
corn gluten	sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide
deodorizers	surfactants
d-phenothrin	swimming pool algicides and bactericides
d-trans-allethrin, also referred to as d-cis, trans allethrin	tetramethrin
fatty acids	thymol
ferric phosphate	wood preservatives
ferrous sulphate	zinc strips
formic acid	<i>Bacillus sphaericus</i> , also referred to as Bs
hard surface disinfectants	<i>Bacillus subtilis</i>
insect repellents	<i>Bacillus thuringiensis</i> var. <i>israelensis</i> , also referred to as Bti

insect semiochemicals, including pheromones, kairomones, attractants and repellents	<i>Bacillus thuringiensis</i> var. <i>kurstaki</i> , also referred to as Btk
insecticides sold and used in tamper resistant bait stations	citric acid
kaolin	copper (oxychloride and tribasic only)
laundry additives	FeHEDTA
material preservatives	ferric sodium EDTA
methoprene	garlic
mineral oils for insect and mite control	lactic acid
naphthalene for fabric protection	<i>Phoma macrostoma</i>
n-octyl bicycloheptene dicarboximide	pyriproxyfen
octenol	<i>Sclerotinia minor</i>
oxalic acid	sodium chloride
paradichlorobenzene for fabric protection	spinosad

SCHEDULE B

Davie Village - Jim Deva Plaza

