



THE CORPORATION OF THE CITY OF VERNON

AGENDA

REGULAR OPEN MEETING OF COUNCIL

COUNCIL CHAMBERS
CITY HALL
MONDAY
MARCH 26, 2018
At 1:30 p.m.

Council

Mayor A. Mund

Councillor S. Anderson
Councillor C. Lord
Councillor B. Quiring

Councillor J. Cunningham
Councillor D. Nahal
Councillor B. Spiers

For Enquiries
Telephone: (250) 545-1361
www.vernon.ca



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

REGULAR OPEN MEETING OF COUNCIL

CITY HALL COUNCIL CHAMBER

MONDAY, MARCH 26, 2018

AT 1:30 PM

"To deliver effective and efficient local government services that benefit our citizens, our businesses, our environment and our future"

1. CALL REGULAR MEETING TO ORDER AND MOVE TO COMMITTEE OF THE WHOLE

2. RESOLUTION TO CLOSE MEETING

A. BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 of the *Community Charter* as follows:

a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

c) *labour relations or other employee relations;*

k) *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public*

3. ADJOURN TO OPEN COUNCIL AT 1:30 PM

AGENDA

A. THAT the Agenda for the March 26, 2018 Regular Open Meeting of Council be adopted as circulated.

4. ADOPTION OF MINUTES AND RECEIPT OF COMMITTEE OF THE WHOLE

MINUTES

- A. THAT the minutes of the Regular Meeting of Council held March 12, 2018, be adopted; **(P. 7)**

AND FURTHER, that the minutes of the Public Hearing held March 12, 2018, be adopted; **(P. 17)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held March 12, 2018, be received.

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

DELEGATION – ERIC FOSTER, MLA

- A. MLA Eric Foster will attend Council to provide an update on things that are happening at the Legislature and answer questions of Council.

THAT Council receives the verbal update regarding the BC Legislature as provided by MLA Eric Foster at the March 26, 2018 Regular meeting.

DELEGATION – VERNON WINTER CARNIVAL (P. 19)

- B. Ms. Deborah White, Chair, Vernon Winter Carnival, re: Future of the Vernon Winter Carnival.

PRESENTATION – 2017 55+ BC GAMES FOLLOWUP (P. 20)

- C. Mr. Doug Ross, Director, Recreation and Mr. Shayne Wright, Recreation Coordinator, re: Followup to 2017 55+ BC Games.

THAT Council receives the followup report for the 2017 55+ BC Winter Games, as provided by Mr. Doug Ross, Director, Recreation and Mr. Shayne Wright, Recreation Coordinator at the March 26, 2018 Regular meeting.

7. COUNCIL INQUIRIES

8. ADMINISTRATION UPDATES

- A. THAT Council receive the Administration Updates dated March 26, 2018. **(P. 22)**

9. UNFINISHED BUSINESS

PUBLIC FEEDBACK ON HURLBURT PARK PRELIMINARY DESIGN (P. 25)

A. THAT Council endorse the Hurlburt Park Preliminary Plan as outlined in the memo titled "Public Feedback on Hurlburt Park Preliminary Design" and dated March 14, 2018 with the following changes: include additional signage prohibiting trailers, relocate the park gates, accommodate a non-motorized watercraft drop-off space and add a new gravel path leading to the dock for boaters and south to the lake access for dog owners, and direct Administration to proceed with the detailed design and construction in 2018.

PROPOSED PARKS DEVELOPMENT COST CHARGE BYLAW FEEDBACK (P. 45)

B. THAT Council endorse the Parks Development Cost Charge Program as outlined in the memo titled "Proposed Parks Development Cost Charge Program" dated March 15, 2018 as submitted by the Parks Planner.

PROPOSED AMENDMENTS TO THE CLEAN INDOOR AIR AND SMOKING REGULATIONS BYLAW 5678, AND THE PARKS AND PUBLIC PLACES BYLAW 5679 (P. 51)

C. THAT Council endorse the proposed amendments to the Clean Indoor Air and Smoking Regulations Bylaw and the Parks and Public Places Bylaw as presented in the report titled "Proposed Amendments To The Clean Indoor Air and Smoking Regulations Bylaw 5678, and The Parks and Public Places Bylaw 5679" dated March 16, 2018 from the Manager, Protective Services.

VIDEO RECORDING OF REGULAR OPEN COUNCIL MEETINGS (P. 129)

D. THAT Council receive the memorandum dated March 14, 2018, titled "Video Recording of Regular Open Council Meetings" regarding the timeline for implementation of recorded meetings on the City of Vernon Website, as respectfully submitted by the Manager, Information Services.

29TH STREET PARKING LOT CONSTRUCTION (NEW DELHI)(P. 131)

E. THAT Council direct administration to proceed with the 29th Street parking lot construction project as detailed in Option 1 of the memo titled "29th Street Parking Lot Construction (New Delhi)" and dated March 16, 2018 received from the Manager of Public Works, Parks and Airport;

AND FURTHER, that Council direct administration to fund the estimated budget shortfall of \$63,804 from a portion of the funds remaining from the 2900 32nd Avenue (old CSB) demolition.

10. MATTERS REFERRED: COMMITTEE OF THE WHOLE AND IN-CAMERA

11. NEW BUSINESS

A. Correspondence:**2018 CITIZEN BUDGET
SURVEY (P. 136)**

- (i) THAT Council support implementing the 2018 Citizen Budget Survey from May 1 to May 27, 2018, on the City's website as noted in the memo dated March 16, 2018 from the Communication Officer and Grants Coordinator.

**REQUEST FOR LETTER
OF SUPPORT FOR
ADDITION TO RESERVE
LANDS (OKANAGAN
INDIAN BAND)(P. 137)**

- (ii) THAT Council authorize the Mayor to send a letter of support to Indigenous Services Canada for the addition of the portion of the former CN rail corridor that runs through Duck Lake IR #7 to that reserve.

B. Reports:**PROPOSED STREET
NAMING POLICY (P. 140)**

- (i) THAT Council endorse the Street Naming Policy as presented in the report titled "Proposed Street Naming Policy", dated March 16, 2018 from the Transportation Manager.

**PARKS NAMING POLICY
(P. 146)**

- (ii) THAT Council endorse the proposed Parks Naming Policy as attached to the report titled "Parks Naming Policy" dated March 12, 2018 from the Parks Planner.

12. LEGISLATIVE MATTERSBylaws:**ADOPTION
• 5677**

- (i) THAT Bylaw #5677, "**Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018**" – a bylaw to amend Fees & Charges Bylaw Number 3909, be **adopted. (P. 151)**

**FIRST, SECOND &
THIRD READINGS
• 5680**

- (ii) THAT Bylaw #5680, "**City of Vernon Parks Development Cost Charges Bylaw No. 5680, 2018**" – a bylaw to Impose Parks Development Cost Charges, be **read a first, second, and third time. (P. 163)**

13. COUNCIL INFORMATION UPDATES

A. Mayor and Councillors Reports.

14. INFORMATION ITEMS

- A. Letter dated March 14, 2018, from Mayor Nicole Read, City of Maple Ridge, re: Employer Health Tax (P. 168)
- B. Minutes from the following Committees of Council:
 - (i) Board of Variance, October 17, 2018 (P. 169)

RECESS

15. RECESS MEETING

NOTES:

Public Hearing scheduled for **at 5:30 pm at City Hall:**

- 1. *"4005 Pleasant Valley Road Rezoning Amendment Bylaw Number 5676, 2018"*

RECONVENE

16. RECONVENE MEETING

THIRD READING

- 5676

- A. THAT Bylaw #5676, **"4005 Pleasant Valley Road Rezoning Bylaw Number 5676, 2018"**, a bylaw to rezone the subject property from 'R2 – Large Lot Residential' to 'R5 – Four-plex Housing Residential', be **read a third time. (P. 172)**

CLOSE

17. CLOSE OF MEETING

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL
HELD MONDAY, MARCH 12, 2018**

PRESENT: Mayor A. Mund

Councillors: C. Lord, B. Spiers, J. Cunningham, S. Anderson,
B. Quiring, (D. Nahal, absent)

Staff: W. Pearce, CAO
P. Bridal, Deputy CAO/Director, Corporate Services
S. Blakely, Manager, Legislative Services
K. Flick, Director, Community Infrastructure & Dev.
S. Koenig, Director, Operations
J. Rice, Manager, Public Works, Parks and Airport*
B. Bandy, Real Estate Manager*
D. Law, Director of Financial Services
A. Watson, Manager, Transportation*
N. Nilsen, Communications Officer and Grants Coordinator
A. Chew, Manager, Tourism
K. Poole, Manager, Economic Development & Tourism
S. Kozin, Manager, Water Reclamation Centre
M. Dowhaniuk, Manager, Infrastructure Management*
D. Ross, Director, Recreation Services*

**Attended as required*

Others: Media and Members of the Public

Mayor Mund called the Regular Open meeting to order at 8:42 am and requested a motion to move to Committee of the Whole.

Mayor Mund reconvened the Regular Open meeting and requested a motion to move to In Camera.

**RESOLUTION TO
CLOSE MEETING**

Moved by Councillor Cunningham, seconded by Councillor Quiring:

- a) BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90(1) of the *Community Charter* as follows:
personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- c) *labour relations or other employee relations;*
- d) *the security of the property of the municipality;*

REGULAR OPEN MEETING OF COUNCIL MONDAY, MARCH 12, 2018

- e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- k) *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public*

CARRIED.

Mayor Mund called the Regular Open meeting back to order at 1:30 pm.

PRESENT: Mayor A. Mund

Councillors: C. Lord, B. Spiers, J. Cunningham, B. Quiring,
D. Nahal, S. Anderson (1:33 pm)

Staff: W. Pearce, Chief Administrative Officer
 P. Bridal, Deputy CAO/Director, Corporate Services
 S. Blakely, Manager, Legislative Services
 D. Law, Director, Financial Services
 K. Flick, Director, Community Infrastructure & Development
 S. Koenig, Director, Operations
 N. Nilsen, Communications Officer & Grants Coordinator
 B. Bandy, Manager, Real Estate*
 A. Watson, Manager, Transportation*
 E. Stranks, Manager, Engineering Services*
 K. Poole, Manager, Economic Development & Tourism*
 D. Ross, Director, Recreation Services*
 J. Rice, Manager, Public Works*
 G. Gaucher, Manager, Protective Services*
 D. Lees, Sr. Bylaw Compliance Officer*
 S. Kozin, Manager, Water Reclamation Centre*

*Attended, as required

Others: Media and Members of the Public

ADOPTION OF THE AGENDA:

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Lord , seconded by Councillor Nahal:

THAT the agenda for the March 12, 2018, Regular Open meeting of the Council of The Corporation of The City of Vernon be amended as follows:

1. **REMOVE ITEM 6.B.** – Presentation – Capital Program Update

AND FURTHER, that the agenda be adopted as amended.

CARRIED.

ADOPTION OF MINUTES:**COUNCIL MEETINGS**

Moved by Councillor Spiers, seconded by Councillor Lord:

THAT the minutes of the Regular Meeting of Council held February 26, 2018 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held February 26, 2018, be received.

CARRIED.

BUSINESS ARISING FROM THE MINUTES:**GENERAL MATTERS:**

Councillor Anderson entered the meeting at 1:33 pm

DELEGATION – SOUTHERN INTERIOR LOCAL GOVERNMENT ASSOCIATION (0360-20-25)

Director Mike MacNabb, Director at Large, Southern Interior Local Government Association (SILGA), provided a review of the Goals of SILGA.

The following points were noted:

- SILGA Mission Statement
- Review of Executive Members
- SILGA Geographical Area
- SILGA Members
- Review of Purpose
 - To speak as ONE voice for regional local government issues of our members
 - To promote and advance to the UBCM proposed changes in legislation, regulations or government policy
 - To coordinate communication between all levels of government and other government associations
- Review of Goals
 - To identify common issues that affect our members and to champion these issues to UBCM and senior governments.

- o To strive to have the best educated elected officials in BC by providing professional development and education.
- o To encourage communication and sharing of best practices within our SILGA members
- How they will achieve goals
- 2017 SILGA Initiatives
- 2018 Strategic Plan Goals
- 2018 SILGA Convention Revelstoke
- 2018 SILGA Convention Keynote
- Benefits of Attending Convention

Moved by Councillor Cunningham, seconded by Councillor Anderson:

THAT Council receives the presentation from Director Mike MacNabb, Director at Large, Southern Interior Local Government Association (SILGA), regarding a review of the Goals of SILGA as presented at the March 12, 2018 Regular meeting.

CARRIED.

COUNCIL INQUIRIES

**CANNABIS
DISPENSARY
COVENANTS -
UPDATE**

Council inquired requested an update regarding covenants on marijuana dispensaries. A. Administration advised that a number of covenants have been collected from some of the existing retail stores. Administration is now going through process to register covenants on title. Once registrations are complete, the Zoning Text (Cannabis Dispensaries) Amendment Bylaw will be brought forward for adoption.

ADMINISTRATION UPDATES

**ADMINISTRATION
UPDATES
(0550-05)**

Moved by Councillor Quiring, seconded by Councillor Nahal:

THAT Council receives the Administration Updates dated March 12, 2018.

CARRIED.

Moved by Councillor Spiers, seconded by Councillor Anderson:

THAT Council directs Administration provide a late resolution to 2018 Southern Interior Local Government Association (SILGA) Convention requesting that the Provincial Government be requested to defer implementation of the newly proposed payroll tax to January 1, 2020.'

CARRIED.

UNFINISHED BUSINESS:

REQUEST FOR
FRIENDLY
AMENDMENT TO 2018
SILGA RESOLUTIONS
(0360-20-25)

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council receives the memo dated February 28, 2018 from the CAO and entitled Request for Friendly Amendment to 2018 SILGA Resolutions for information.

CARRIED.

MATTERS REFERRED FROM THE IN-CAMERA MEETING – February 13, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **February 13, 2018**, In Camera meeting:

AFFORDABLE
HOUSING ADVISORY
COMMITTEE –
MEMBERSHIP
APPLICATIONS
(0540-20)

‘THAT Council appoints Bradley Stinn as the Builder Representative Member on the Affordable Housing Advisory Committee for a term to expire January 2020.’

MATTERS REFERRED FROM THE IN-CAMERA MEETING – February 26, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **February 26, 2018**, In Camera meeting:

SAFETY TASK FORCE
– MEMBERSHIP

*‘THAT Council **amends** the Membership of the Safety Task Force to remove representation from BC Housing, Interior Health, and Social Planning in order to narrow focus toward issues affecting business in the downtown core’*

MATTERS REFERRED FROM THE IN-CAMERA MEETING – March 12, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **March 12, 2018**, In Camera meeting:

PARKS
DEVELOPMENT COST
CHARGES (DCCs)

*‘THAT Council directs administration to forward Parks Development Cost Charge (DCC) funds to the Regional District of North Okanagan (RDNO) **only** once the RDNO Parks DCC bylaw is adopted.’*

**LAND EXCHANGE –
509 KALAMALKA
LAKE ROAD
(SUB00678)**

*'THAT Council direct Administration to sell approximately 584 m² (Area 'A') of City owned land with a PID: 027-397-254 and referred to as Sawicki Park additional lands, to 0942304 BC LTD in exchange for approximately 559 m² (Area 'B') and approximately 12,543 m² (Area 'C') of land with a PID: 006-112-820 as shown on the sketch plan attached to this report titled, "LAND EXCHANGE – 509 KALAMALKA LAKE ROAD", dated March 2, 2018, from the Real Estate Manager;
AND FURTHER, that Council direct Administration to pay for the advertising of disposition of property and the City's legal costs required to register the transaction with the Land Title and Survey Authority of British Columbia.'*

NEW BUSINESS

CORRESPONDENCE:

**COUNCIL
DISCRETIONARY
GRANT POLICY
(1850-01)**

Moved by Councillor Lord, seconded by Councillor Spiers:

THAT Council adopt the amended "Council Discretionary Grant Policy" as presented the in memorandum dated March 2, 2018, of the same title and respectfully submitted by the Director of Finance.

CARRIED.

Councillor Quiring declared a conflict of interest in the following matter as his firm is conducting work on the project. Councillor Quiring left the meeting at 2:03 pm

**KAL TIRE PLACE
ARENA EXPANSION
PROGRESS – MARCH
(7820-05)**

Moved by Councillor Spiers, seconded by Councillor Anderson:

THAT Council receive the memo titled Kal Tire Place Arena Expansion Progress – March, dated March 3, 2018 from Doug Ross, Director, Recreation Services for information.

CARRIED.

Councillor Quiring returned to the meeting at 2:05 pm

**BYLAW COMPLIANCE
2017 YEAR END
REPORT
(4000-01-10)**

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council receives the memorandum titled Bylaw Compliance 2017 Year End Report dated March 3, 2018 from the Manager, Protective Services for information.

CARRIED.

**PARKS ALL-TERRAIN
VEHICLE (ATV)
PURCHASE
(5215-01)**

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council direct Administration to proceed with the purchase of a ATV at an estimated additional cost of \$15,000 to be funded from the 2016 Prior Year Unexpended and Uncommitted Balance as detailed in the memo titled "Parks – All Terrain (ATV) Purchase" and dated March 1, 2018 from the Manager, of Public Works, Parks and Airport.

CARRIED.

**FUNDING FOR VIDEO
SURVEILLANCE IN
POLSON PARK
(6140-20-Polson)**

Moved by Councillor Quiring, seconded by Councillor Nahal:

THAT Council approve the installation of a video surveillance system in Polson Park, at an estimated cost of \$35,000, using funds from the 2016 Prior Year Unexpended Uncommitted Balance.

CARRIED.

**APRIL 1, 2018
TRANSIT SERVICE
EXPANSION AND
CHANGES
(8500-08)**

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Council receive the memorandum titled "April 1, 2018 Transit Service Expansion and Changes", dated March 2, 2018 from the Manager, Transportation for information.

CARRIED.

**OKANAGAN LANDING
ROAD / EASTSIDE
ROAD PROPOSED
CYCLE FACILITIES
(8300-12-11)**

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council receive the memo titled "Okanagan Landing Road / Eastside Road Proposed Cycle Facilities" dated March 2, 2018, from the Manager, Transportation, for information.

CARRIED.

*Councillor Anderson left the meeting at 2:16 pm.
Councillor Anderson returned to the meeting at 2:18 pm.*

REPORTS:

**VWRC/UTILITIES
TECHNICIAN
REQUEST
(5210-04)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council approve the addition of one full time equivalent (FTE) to provide technician support for Utilities and Vernon Water Reclamation/Spray Irrigation Departments with funding in the amount of \$31,500 to be recovered from Greater Vernon Water and \$97,500 from Sewer Operating Accounts.

CARRIED.

**RECONSTRUCTION
OF SPRAY
IRRIGATION MAIN TO
LONE PINE RANCH
(5390-01)**

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Council direct Administration to send a letter to the owners of Lone Pine Ranch informing them that the City has discontinued the spray irrigation water supply to their property and thanking them for their previous participation in the Spray Irrigation Program.

CARRIED, with Councillors Anderson opposed.

LEGISLATIVE MATTERS:

ADOPTION
• 5621

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Bylaw #5621, **“5400 Okanagan Avenue Rezoning Amendment Bylaw Number 5621, 2017”** – a bylaw to rezoning the subject property from “R5 – Four-Plex Residential” to “RM2 – Multiple Housing Residential”, be **adopted**;

AND FURTHER, that Council authorizes issuance of development variance permit DVP00382 to vary sections of Zoning Bylaw #5000 and Subdivision and Development Servicing Bylaw #3843 to allow for the construction of a 36 unit townhouse complex on Rem. Plan B3911, Sec 28, Tp 9, ODYD, Except Plans KAP50675 and KAP585681 (5400 Okanagan Avenue).

CARRIED.

**FIRST, SECOND &
THIRD READINGS**
• 5677

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Bylaw #5677, **“Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018”** – a bylaw to amend Fees & Charges Bylaw Number 3909, be **read a first, second and third time.**

CARRIED.

COUNCIL INFORMATION UPDATES:

COUNCILLOR BOB SPIERS

COUNCILLOR CATHERINE LORD

Councillor Lord provided a verbal report on the following matters:

**MEETING/EVENT
ATTENDANCE**

Attended:

- Vernon Flying Club Event

COUNCILLOR JULIETTE CUNNINGHAM

Councillor Cunningham provided a verbal report on the following matters:

**MEETING/EVENT
ATTENDANCE****Attended:**

- Noted invitation sent to Council to attend the upcoming Child and Youth Friendly Vernon Event scheduled for March 16th from 11:30am until 1:30pm - please R.S.V.P. if you can attend

COUNCILLOR BRIAN QUIRING

Councillor Quiring provided a verbal report on the following matters:

**MEETING/EVENT
ATTENDANCE****Attended:**

- Georgie Awards in Vancouver
 - Congratulations to Bercum Builders Inc. for winning the provincial award for 'Best Custom Home Builder' as well as 'Best Outdoor Living Space' and 'Best Master Bedroom'

MAYOR AKBAL MUND

Mayor Mund provided a verbal report on the following matters:

Attended:

- 'True Leaf' Facility Grand Opening
- 'The Match' Grand Opening in Kelowna
- City of Vernon Staff Appreciation Awards Breakfast
- Chamber of Commerce Business Awards
 - Congratulations to BX Cidery for Small Business of the Year Award
 - Congratulations to Councillor Nahal for winning the Non Profit Event Award for Bollywood Fundraiser
- Mission Hill Heritage Fair
- Fish & Game Club Dinner
- Transit Service Expansion Event

INFORMATION ITEMS:

Council received the following information items:

- A. Letter dated January 18, 2018 from Mayor Rick Berrigan, Village of Chase, re: Revenue from Cannabis Sales – Equitable Share Between Province and Local Governments
- B. Letter dated February 14, 2018 from Mayor Terry Rysz, District of Sicamous, re: Cannabis Sales Revenue Sharing

C. Letter dated February 21, 2018 from Mayor Alice Finall, District of North Saanich, re: Marihuana Addiction Treatment, Prevention and Education

D. Minutes from the following Committees of Council:

(i) Finance, November 20, 2017

(ii) Tourism Advisory

- November 8, 2017
- January 17, 2018

RECESS

Mayor Mund recessed the meeting at 2:32 pm

RECONVENE

Mayor Mund reconvened the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 5:44 pm.

PRESENT: Mayor Mund

Councillors: B. Spiers, J. Cunningham, S. Anderson,
B. Quiring, (C. Lord, D. Nahal, absent)

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, Deputy CAO/ Director Corporate Services
S. Blakely, Manager, Legislative Services
C. Corbett, Long Range Planner
E. Stranks, Manager, Engineering Development
K. Flick, Director, Community Development & Infrastructure
C. Broderick, Manager, Current Planning

Others: Members of the Public

THIRD READING

- 5675

Moved by Councillor Cunningham, seconded by Councillor Anderson:

THAT Bylaw #5675, “**5902 Pleasant Valley Road Official Community Plan Amendment Bylaw Number 5675, 2018**” – a bylaw to redesignate the subject property from ‘Residential Regional District of North Okanagan Electoral Areas B & C Community Land Use’ to ‘Residential – Low Density’, be **read a third time.**

CARRIED.

CLOSE OF REGULAR OPEN MEETING

Mayor Mund closed the Regular Meeting at 5:44 pm.

CERTIFIED CORRECT:

Akbal Mund
Mayor

Patricia Bridal
Corporate Officer

THE CORPORATION OF THE CITY OF VERNON

**RECORD OF A PUBLIC HEARING OF COUNCIL
HELD MONDAY, MARCH 12, 2018 COUNCIL CHAMBERS
3400 – 30 STREET, VERNON, B.C.**

PRESENT: Mayor Mund

Councillors: B. Spiers, J. Cunningham, S. Anderson,
B. Quiring, (D. Nahal, C. Lord, absent)

Staff: W. Pearce, CAO
P. Bridal, Deputy CAO/Director, Corporate Services
S. Blakely, Manager, Legislative Services
K. Flick, Director, Community Development & Infrastructure
C. Corbett, Long Range Planner
E. Stranks, Manager, Engineering Development
C. Broderick, Manager, Current Planning

Others: Members of the Public

Mayor Mund called the Public Hearing to order at 5:30 p.m.

Mayor Mund outlined the procedures to be followed.

Corporate Officer, Patricia Bridal advised that Notice of the Public Hearing was published in the **Sunday, March 4, 2018, and Wednesday, March 7, 2018** issues of the Morning Star Newspaper, as required by the *Local Government Act*.

Administration reviewed the rezoning application for:

"5902 Pleasant Valley Road Official Community Plan Amendment Bylaw Number 5675, 2018"

A Bylaw to:

1. Amend the Official Community Plan land use designation for Lot 4, Section 11, Township 8, ODYD, Plan 4165 (5902 Pleasant Valley Road) from the Residential – Regional District of North Okanagan Electoral Areas B & C Official Community Plan land use designation to Residential – Low Density and to include the subject property within Development District #2 – Neighbourhood District and Development Permit Area #2.

Prior to Public Hearing two written submissions were received and distributed as follows:

Date	Name
March 2, 2018	Garry Haas
March 12, 2018	Harold Sellers

Administration provided a brief overview of the application and noted as per the *Local Government Act* public consultation was conducted. Impacts to the Financial Plan and the Regional Solid Waste Management Plan were considered. No significant impacts were noted.

Mayor Mund called a first time for representation from the public in attendance with regard to **"5902 Pleasant Valley Road Official Community Plan Amendment Bylaw Number 5675, 2018"**.

Mayor Mund called a second, third and final time for representation from the public. There being none, Mayor Mund closed the Public Hearing for **"5902 Pleasant Valley Road Official Community Plan Amendment Bylaw Number 5675, 2018"**.

CLOSE:

The Public Hearing closed at 5:44 pm.

CERTIFIED CORRECT:

Akbal Mund
Mayor

Patti Bridal
Corporate Officer



RESET

THE CORPORATION OF THE CITY OF VERNON

REQUEST TO APPEAR AS A DELEGATION

ON 26th March 2018
Day Month Year

APPROVED:
Mtg Date: Mar 26/18

(See Council Calendar on back of Form)

Date of Request: March 15/2018

Name of Person Making the Request: Deborah White

Name & Titles of Presenter(s): Deborah White
Chair Vernon Winter Carnival

Contact Information: Phone: _____ Email: _____

Mailing Address: 3401 35th Ave, Vernon BC V1T 2T5

DETAILS OF PRESENTATION

Vernon Winter Carnival is requesting an
appearance to discuss the future of
Carnival with the city including
office Building

Will There be a Power Point Presentation? No *Yes (*due one week before the meeting)

Will There be written material provided for the Agenda? No *Yes (*due one week before the meeting)

DESIRED ACTION FROM COUNCIL

assistance from city regarding the
future of Carnival.

*Please be advised that delegations are limited 5 minutes, (followed by any questions from Council), unless otherwise resolved by Council.

(PLEASE SEE REVERSE)

Personal information collected is collected in compliance and protected in accordance with the Freedom of Information and Protection of Privacy Act and will be used for the purposes serving our citizens in a responsible and efficient manner.



55plusgames.ca
3310 37th Avenue
Vernon, BC V1T 2Y5

March 16, 2018

The City of Vernon
3400 – 30th Street
Vernon, B.C.
V1T 5E6

Attention: Mayor and Council

Re: Vernon & Area 2017 55+ BC Games, Closing Status Report

Dear Mayor and Council;

The Vernon & Area 2017 55+ BC Games concluded September 16th with the Closing Ceremonies. The feedback from key stakeholders such as the BC Seniors Games Society (BCSGS), BC Games Society (BCGS), participants, volunteers, sponsors, local businesses and the public was that it was a resounding success. We had set significant goals and achieved them by exceeding 3500 participants in 27 sports supported by more than 1350 volunteers. We were able to achieve recognition and enhance the positive reputation of Vernon & Area through the welcoming and hospitable personality of our volunteers, capability of organizing the events, support of our local business community and showcasing our area attributes in the “Taste of The Okanagan” event.

To measure our economic success, BCSGS commissioned an economic impact study for the Games by the Okanagan College School of Business and the initial draft indicates an impact of 9 x greater than the expense of holding the Games. The report is being finalized and we expect to have the actual dollar value for our presentation to Council. The report addresses direct impact (initial expenditure caused by the Games), indirect impact (secondary expenditure that occurs for supply of goods and services), induced impact (tertiary impact from employment and wages), tax impact (municipal and federal) and intangible impact (tourism, promoting healthy lifestyle and living in Vernon & Area, attracting future events and networking of volunteers and participants).

Another benefit to hosting the Games is the cash and value in-kind legacy associated with a successful Games. Included in our budget was provision for a \$60,000 Legacy Fund (shared 50% to BCSGS and 50% to Host Society). Through responsible budget management and the strong support of sponsors we were able to exceed our budget expectations with a \$92,000 Legacy Fund (\$46,000 to each of BCSGS and Host Society). Our share was distributed back to the community through our grant application program to 13 recipient organizations at our Legacy Gala Event held March 14th.

.....2

30
YEARS
Where It All Began



55+ BC Games
For Life, Sport and Friends
2017 | Vernon & Area

55plusgames.ca
3310 37th Avenue
Vernon, BC V1T 2Y5

Thirteen local sport organizations also benefited from \$22,000 of in-kind legacy items. There were also 7 service clubs/associations that operated beverage gardens and concessions at various venues and benefited from any monies they made.

The Host Society has completed their financials and audit by BCSGS. There are a few small payables and receivables to be completed by the end of March. All transfer of materials and BCSGS inventory has been completed and shipped to Kimberly/Cranbrook for the 2018 55+ BC Games. After finalizing any remaining items, the Host Society will work to close out and de-register by the end of June.

Thank you for having the foresight to support and bid for the 2017 55+ BC Games. Our communities have shown, and proven, again that they are more than capable of hosting such events successfully. It has been a pleasure to serve on the local host committee and I wish you all the best in your future endeavours.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wee Yee', is written over a horizontal line.

Wee Yee
President, Vernon & Area 2017 55+ BC Games Society

ADMINISTRATION UPDATES
March 26, 2018 REGULAR COUNCIL MEETING

File: 0550-05

FINANCE

Monthly Parking Revenue Report – 3rd Quarter

Description	Oct-17	Nov-17	Dec-17	Budget 2017	Year to Date Actuals		
					2017	2016	Incr/(Decr)
Parkade Daily Parking	4,505	4,303	4,491	42,844	48,758	44,921	3,837
Parkade Monthly Passes	4,900	17,925	798	52,000	72,785	55,627	17,158
Parking Meter Fees Area 1	66,394	51,610	54,772	660,037	702,958	685,312	17,646
Parking Meter Fees Area 2	29,323	23,055	27,876	248,066	296,124	259,858	36,266
Parking Meter Fees outside D/town	360	459	317	25,957	4,344	26,620	(22,276)
Parking Lot Rentals	15,215	59,352	11,752	224,850	221,004	175,577	45,427
Library Parking Permits	1,059	1,033	953	4,040	8,689	7,867	822
	\$ 121,755	\$ 157,736	\$ 100,959	\$1,257,794	\$1,354,662	\$1,255,782	\$ 98,880
Pay by Phone (Included above)	\$ 5,978	\$ 7,049	\$ 10,348	\$ -	\$ 43,052	\$ -	\$ 43,052

NOTE: Staff parking has been included in Parking Lot Rentals

COMMUNITY INFRASTRUCTURE AND DEVELOPMENT SERVICES

29th Avenue (30th Street to Highway 97) Project

Construction started in the first week of March 2018. The project is expected to be complete in May 2018. The project is within the project schedule and budget.

30th Street (32nd Avenue to 34th Avenue) Project

Construction started the week of March 19, 2018. The project is expected to be complete in May 2018. The project is within the project schedule and budget.

Okanagan Landing Sewer CWWF Project

Construction started on the open cut portion of the project the week of March 19, 2018 in the Apollo Road and Okanagan Landing Road area. Work will continue into the fall in the Osprey Road, Bella Vista Road and Scott Road areas. The project is within the project budget and schedule.

Dallas/Willow Sanitary Sewer LAS

The counter petition for the 75 parcels in the Dallas and Willow neighbourhoods closes on April 4, 2018. Administration will report back following the close of the petition.

Cannabis

Administration continues to work with owners of dispensaries, landlords and their lawyers on the restrictive covenants. Of the fourteen recognized dispensaries, ten are actively pursuing registration of the required restrictive covenant on title. Administration is working towards having the covenants registered on or before April 6, 2018 in order for Zoning Bylaw Amendment #5671 to be considered for Adoption on April 9. The properties that have covenants registered on title by that date will be eligible to be considered for a Temporary Use Permit following adoption of the Zoning Bylaw amendment.

Sidewalk Gifting Monies

In February 2018, Administration initiated the review of all Sidewalk Gifting and Works Contribution Agreements for the future reduction and release of funds. Reduction or release of any funds will be based on the pending amendments proposed for Subdivision and Development Servicing Bylaw #3843 Schedules A and B (i.e. where the planned sidewalk is now no longer going to be constructed). Funds collected date back to 1995. Administration is currently researching the implications for funds where the person who paid for the sidewalk cannot be found. A report on the entire subject will be brought forward for Council's consideration in the near future.

20th Street Extension MoTI Stickle Road Project

The Ministry of Transportation and Infrastructure (MoTI) has advised that they have postponed the restart of construction activities on the Stickle Road Project until April 4, 2018. The plan is to haul, place and compact preload material required to reach the Stage 3 elevation (another 1 m in height). This work is anticipated to take approximately two weeks.

Chamber of Commerce Development and Economic Sustainability

On March 8, 2018, staff from the Community Infrastructure and Development Services Division (CIDS) met with members of the Chamber of Commerce's Development and Economic Sustainability Group (formerly "BIG RED"). The intent of the meeting was to kick start ongoing dialogue regarding process improvements and bylaw amendments. At this time, the group is developing a list of priorities for mutual discussion and action.

Carbon Tax Reserve Policy and Projects

Following Council's support to develop a guiding policy to govern the carbon tax reserve funds for climate action commitments, Administration anticipates that the associated policy and project proposals will be available for Council's consideration in June 2018.

OPERATIONS

Spring Sweeping

The Spring Sweeping Program began the first week in March and has targeted areas where the roadside snow has melted. Beginning on March 26, Contractors and City crews will be out in full force, 7 days a week, 16 hours daily.

Typically, street sweeping takes about 6 – 8 weeks to complete. However as a result of the frequent heavy snowfalls experienced during the past winter season, the amount of sand used is approximately double that of an average year. This may extend the street sweeping program into late April/early May depending on weather and conditions.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6135-03

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** March 14, 2018

FROM: Susan Abbott, Parks Planner

SUBJECT: **Public Feedback on Hurlburt Park Preliminary Design**

Background

The Hurlburt Park preliminary plan and conceptual images illustrating the proposed improvements were presented to the public at an Open House on March 7, 2018 (Attachments 1-3). Comments were welcomed on the proposed improvements and a survey was used to solicit feedback from interested residents. These plans and survey were available to the public through the Engage Vernon website from March 1-14, 2018. In addition, the preliminary plan and survey were also presented to the congregation of the Trinity United Church, at their request, on March 11, 2018.

This public participation (P2) program was advertised in the Vernon Morning Star and through social media. In addition, Administration participated in interviews with Beach Radio and Global TV, informing them of the proposed improvements to the park and encouraging attendance at the open house and on-line.

A total of 248 people were recorded as being made directly aware of the project improvements. The Open House was attended by 28 people, and 10 people completed surveys. Engage Vernon received 127 visits, of which 97 visited at least one page, 54 downloaded photos, documents or other references, and 13 completed the on-line survey. At Trinity United Church, 93 parishioners viewed the plans and conceptual images, asked questions, shared stories and gave positive feedback. Over the course of the two week feedback period, five emails and two telephone calls were received, and one visit was made to the Community Services Building to speak with staff.

The feedback provided to Administration is included with this memorandum in Attachments 4 and 5.

Feedback

The survey was completed by a total of 23 individuals; 10 from the Open House and 13 using Engage Vernon (www.engagevernon.ca). Residents were asked four multiple choice questions but they were not limited to a single choice. They were also invited to add any options not presented.

When questioned about the improvements necessary for 2018, parking was the most

frequently cited necessity (20), followed closely by permanent toilet facilities (19), safe access from Eastside Road (18) and delineating a swim area that restricts motorized vessels (16). Year round access was favoured by 8 respondents.

Thirteen people felt that the dock and swimming platform are a really big part of the lake experience. Nine identified the dock as useful for launching/landing their kayak, canoe or paddle board, six people felt it was the most important reason for their visit and one did not consider the dock and swim platform to be an important aspect of their visit.

Fifteen people said they anticipate using the park in the summer and shoulder seasons, five would use it year-round and two respondents expected to use it in the summer months only.

The final question sought to determine the most popular visitor activities in Hurlburt Park. Sixteen respondents thought Hurlburt would be their choice for a casual beach day, fourteen would go to swim, twelve people would launch a small non-motorized craft, thirteen would picnic and nine looked forward to attending a special event in the park.

The review of the plan and discussions with residents generated a number of suggestions by residents for improvements to the preliminary plan. The themes that came up repeatedly in discussion are as follows:

- That signs be installed along Eastside Road to inform drivers that trailers are not allowed in the park;
- That the park entrance gate be moved close to Eastside Road to prevent vehicles parking in the entrance after hours;
- That dogs be allowed in the park or, at a minimum, on-leash between the parking lot and Lake Access #34 to the south, so that dog owners can park safely off road and walk with their dog to the lake access which is a well-used dog area;
- That paddlers have a specified parking space with a 10 minute maximum stay to drop off small non-motorized watercraft;
- That a trail be added at the south end of the parking lot to accommodate both dog owners and paddlers reaching the beach and lake access; and
- The neighbour to the north has expressed strong concerns about the proximity of the picnic shelter/outdoor classroom to their home as the proposed location on the former dining hall foundation may encourage large public gatherings close to the neighbouring private residence.

Proposed Amendments to Preliminary Plan

Based on the feedback provided, Administration has identified some amendments to the preliminary plan. These amendments include the addition of signs prohibiting trailers, a revised gate position, the addition of the 10 minute drop-off space, and the additional trail. These amendments could be accommodated at small cost to the project and within the approved budget.

Administration is recommending that location of the picnic shelter/outdoor classroom remain as outlined in the preliminary plan. Should the picnic shelter/outdoor classroom

and sand play area not be included, the foundation poses a safety concern for the public and two options can be considered: fill the foundation, resulting in a mound, or remove and dispose of the concrete off site.

The archaeologist engaged in providing the Heritage Review advises that using an existing disturbance, such as the existing foundation, or adding fill, minimizes the impact to a potentially productive archaeological site. Both options would incur considerable cost to the project but could be accommodated with the budget allocated to construct the shelter and sand play area this year.

Only one other area is suitable to position a picnic shelter without a re-design of the plan, which places the structure a maximum 25 m to the south of the existing foundation. The construction of a new structure would also trigger a full Riparian Areas Regulations Assessment, authorization, management plan, geo-technical testing and site engineering. Most of the existing trees that provide character to the site would have to be removed to accommodate the new structure. These additional costs cannot be accommodated in the existing 2018 budget.

Administration recommends developing the picnic shelter/outdoor classroom and sand play area as proposed for the existing foundations in the preliminary plan. This solution converts a safety concern into several valuable public amenities in a cost-effective manner that poses the least impact to a site with archaeological and riparian significance. Staff are committed to further discussions with the neighbour to determine if there are mitigations that can reduce visual imposition of improvements (good neighbour fencing and screen plantings). Noise associated with general use of a public park is not considered a violation of the Good Neighbour Bylaw.

With Council's endorsement of the plan as amended, Administration would undertake the completion of the detailed construction drawings and specifications. Administration is working towards tendering this project in early summer with construction in the late summer and fall 2018.

RECOMMENDATION:

THAT Council endorse the Hurlburt Park Preliminary Plan as outlined in the memo titled "Public Feedback on Hurlburt Park Preliminary Design" and dated March 14, 2018 with the following changes: include additional signage prohibiting trailers, relocate the park gates, accommodate a non-motorized watercraft drop-off space and add a new gravel path leading to the dock for boaters and south to the lake access for dog owners, and direct Administration to proceed with the detailed design and construction in 2018.

Respectfully submitted:



Susan Abbott, Parks Planner

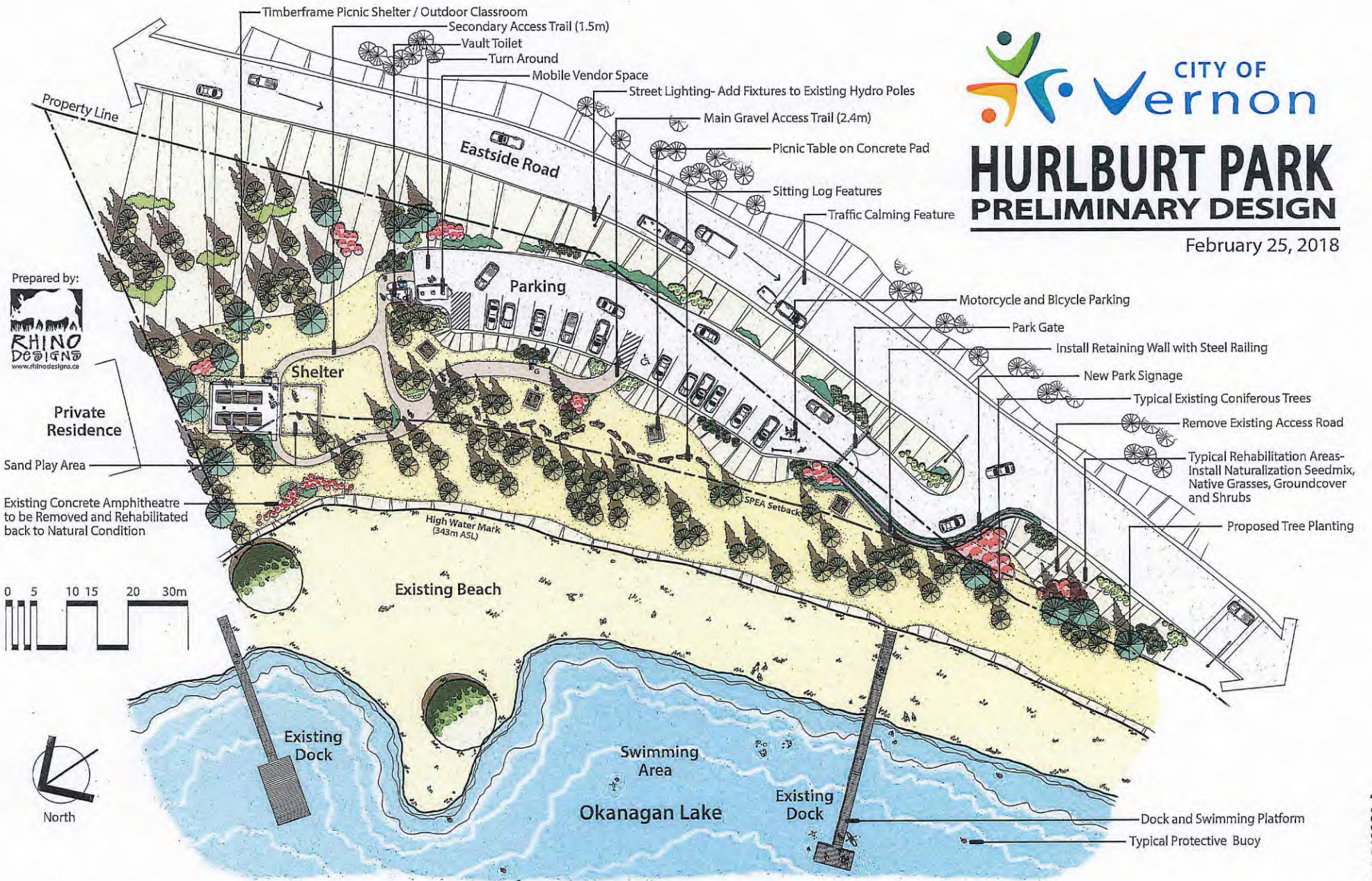
Attachment 1: Hurlburt Park Preliminary Plan

Attachment 2: Hurlburt Park Conceptual Image I
Attachment 3: Hurlburt Park Conceptual Image II
Attachment 4: Summary Report – Engage Vernon Public Feedback for Hurlburt Park
Attachment 5: Comments included as feedback to Hurlburt Park P2

G:\5800-6399 PARKS ADMINISTRATION\6135 PARKS - PLANNING\03 Capital Projects\2018\Hurlburt\Council Reports, Memos, Updates, Presentations\20180314_public_feedback_hurlburt_park_pre_plan.doc

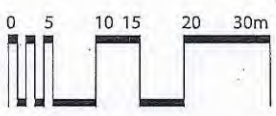
HURLBURT PARK PRELIMINARY DESIGN

February 25, 2018



Prepared by:
RHINO DESIGN
www.rhino-designs.ca

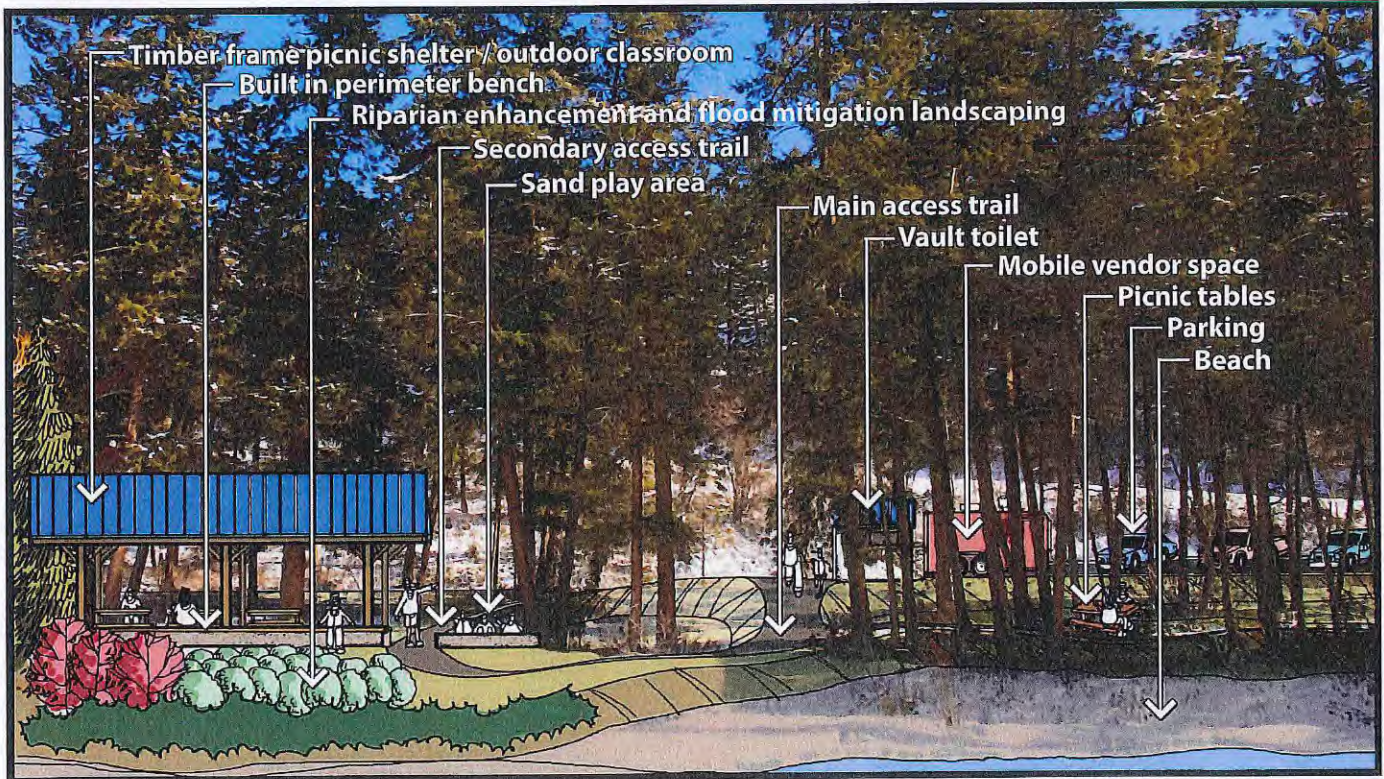
Private Residence
Sand Play Area
Existing Concrete Amphitheatre to be Removed and Rehabilitated back to Natural Condition



Existing



Proposed



HURLBURT PARK
PRELIMINARY DESIGN
 Conceptual Image 1 February 25, 2018



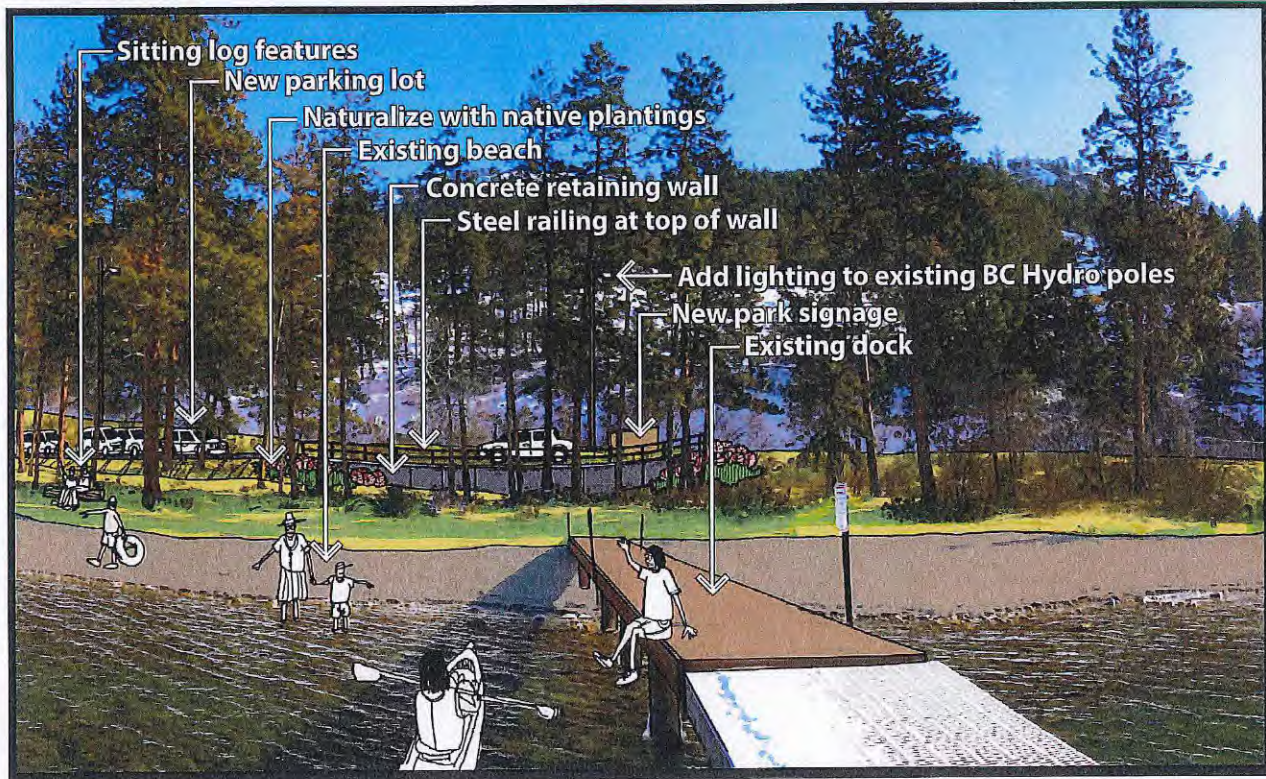
Prepared by:

 www.rhinosigns.ca

Existing



Proposed



HURLBURT PARK
PRELIMINARY DESIGN
 Conceptual Image 2 February 25, 2018



Summary Report

13 February 2018 - 14 March 2018

Engage Vernon

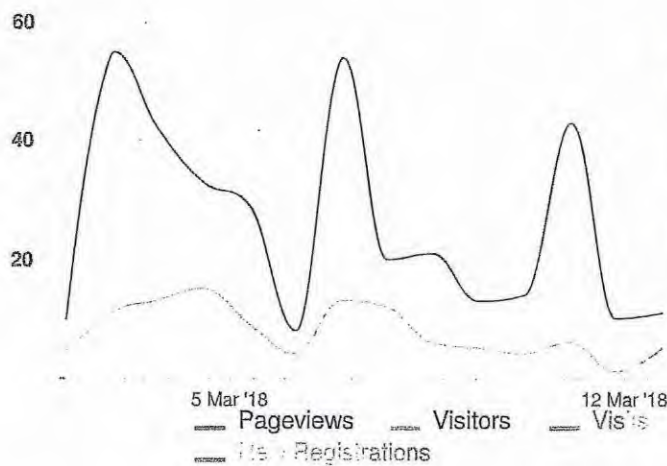
PROJECTS SELECTED: 1

Public feedback for Hurlburt Park

FULL LIST AT THE END OF THE REPORT



Visitors Summary



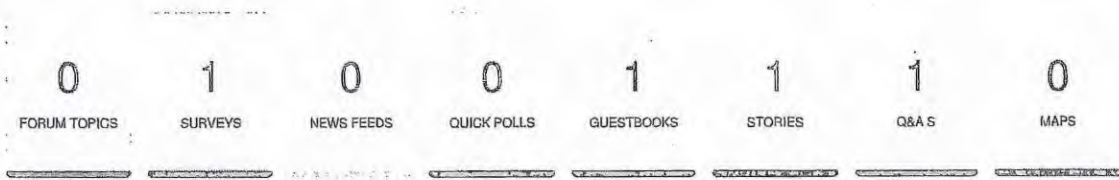
Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
127	15	
NEW REGISTRATIONS		
3		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
13	54	97

PARTICIPANT SUMMARY

ENGAGED	13 ENGAGED PARTICIPANTS			TOP PROJECTS		
	Registered	Unverified	Anonymous		Participants (%)	
INFORMED	Contributed on Forums	0	0	0	Public feedback for Hurlburt ...	13 (13.4%)
	Participated in Surveys	6	7	0		
	Contributed to Newsfeeds	0	0	0		
	Participated in Quick Polls	0	0	0		
	Posted on Guestbooks	0	0	0		
AWARE	Contributed to Stories	0	0	0		
	Asked Questions	0	0	0		
	Placed Pins on Maps	0	0	0		
	Contributed to Ideas	0	0	0		
	<i>* A single engaged participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>		
ENGAGED	54 INFORMED PARTICIPANTS			TOP PROJECTS		
				Participants	Participants (%)	
INFORMED	Viewed a video			0	Public feedback for Hurlburt ...	52 (53.6%)
	Viewed a photo			11		
	Downloaded a document			22		
	Visited the Key Dates page			0		
	Visited an FAQ list Page			0		
	Visited Instagram Page			0		
AWARE	Visited Multiple Project Pages			36		
	Contributed to a tool (engaged)			13		
	<i>* A single informed participant can perform multiple actions</i>			<i>* Calculated as a percentage of total visits to the Project</i>		
ENGAGED	97 AWARE PARTICIPANTS			TOP PROJECTS		
				Participants	Participants	
INFORMED	Visited at least one Page			97	Public feedback for Hurlburt ...	97
AWARE						
	<i>* Aware user could have also performed an Informed or Engaged Action</i>			<i>* Total list of unique visitors to the project</i>		

ENGAGEMENT TOOLS SUMMARY



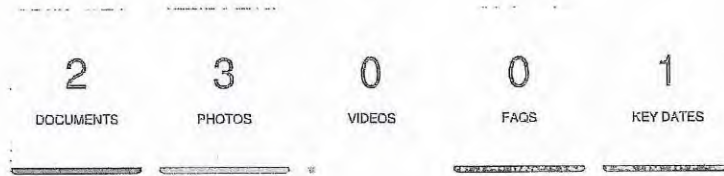
SURVEYS SUMMARY

1	Surveys
13	Contributors
13	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS

13	Contributors to
	Public Feedback on
	Improvements for Hurlburt Park

INFORMATION WIDGET SUMMARY



DOCUMENTS

2 Documents
22 Visitors
35 Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS

20	15
Downloads	Downloads
180226_Attachment 1_Hurlburt Park Preliminary Design Final Feb 25	180215_memo_Hurlburt_Park_

PHOTOS

3 Photos
11 Visitors
26 Views

TOP 3 PHOTOS BASED ON VIEWS

11	8	7
Views	Views	Views
hurlbert_park_773x528	Hurlburt Sketch 1	Hurlburt Sketch 2

KEY DATES

1 Key Dates
0 Visitors
0 Views

TOP 3 KEY DATES BASED ON VIEWS

0
Views
Public feedback for Hurlburt Park

TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
www.google.ca	9
m.facebook.com	4
www.beachradiovernon.ca	4
android-app	2
www.bing.com	1
www.castanet.net	1
www.google.com	1
www.searchencrypt.com	1

SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Public feedback for Hurlburt Park	95	52	13

Comments included as feedback to Hurlburt Park P2

These comments represent feedback on Hurlburt Park Plans between March 1 and March 14, 2018 included in the surveys completed at the March 7, 2018 Open House and through Engage Vernon, from telephone calls and emails to the Parks Planner, and counter visits as reported. Survey comments and emails are transcribed directly. The information session on March 11, 2018 at Trinity United Church was casual, surveys were available but none were completed, therefore feedback is characterized.

1. Additional Comments from surveys

- Garbage Cans and Bathrooms are necessary. Be a good neighbour and respect the house next door.
- Lots of garbage and recycling facilities. Dog-friendly beach. Please protect the neighbour. Clearly mark with signage re smoking, dogs, etc.
- Toilet at neighbouring Whitepoint Park and dead snag removal.
- Year round access in the park prevented because of snow. I am a paddler. Kayaks and outrigger and stand up paddle board. It would be nice to have access to drop off a paddling vessel as near to the beach as possible. We discussed the possible access near to the motorcycle parking spot as this is close to the beach and the dock. This spot should be a 10 minute unload spot only spot. Thank you for your consideration.
- The ladder to get in and out of the water needs to be of much greater quality and stability. Love the new plan for Hurlburt – esp. parking/safety. I am a resident of Harbour Heights Rd., lake access site #24. It is extremely overgrown and difficult to navigate due to a steep slope and a narrow path adjacent to drainage (from Harbour Heights). There are 17 homes on Harbour Heights Rd. that require Lake Access. That is a score of 3/5 for usability (not 2 as in the original document. This does not include residents on Okanagan Landing Road from Paddlewheel Park to Harbour Heights Rd. that are not “on the Lake”. People must walk to site 25@ 8797 OK Landing Rd. The road is extremely narrow and offers no shoulder, thus is extremely dangerous for pedestrians, especially with busy summer traffic. No parking exists at site 25. We do not want more cars on the road which is already too busy. We want a more accessible option to lake access. Adjacent properties to site 24 are extremely opposed to development at 24 and hustle vociferously anyone who encroaches upon the “public access” at site 24.
- Dog access and bags. Water play for dogs. Would be wonderful to have an area for dogs to use the water.
- This plan looks great to me! One suggestion...Suggestion to add a short path from the parking area plus one designated “drop-off” (non-parking) spot for the purpose of unloading car-top paddle-powered watercraft canoes + kayaks etc.
- No facility that draws the public near to our house. Note: We do not want the public picnic tables next to our house we live here year round. Please reconsider we live here; we are your neighbours, we like our quiet privacy. We wish to make this plea as our house is the only private house next to the park so do not build next to us for the public to be drawn to. Have our wellbeing and wish for privacy within your plans as we were here first so do not put us at risk!!! Think Think Think how you

would like someone to build a public area right next to your house!!! (music banned? Would also help. We are sensitive to smoking so no smoking would be important. Regular patrols or someone on site when open (hire someone) a lot of signage the sooner the better.

- Please instruct your maintenance people to pick up drug needles, human & animal feces & please instruct them to also do some on Whitepoint Rd. (condoms also). I pick these things up every morning in the access on Whitepoint Rd.

2. At Trinity United Church, ninety-three parishioners viewed the plans and conceptual images at Trinity United Church and voiced only positive feedback and enthusiasm for the proposed improvements. Small copies of the plans, conceptual images and surveys were available, however, no surveys were completed. Contact information for the Parks Planner and the Engage Vernon website was freely taken. Many were happy to see such a quick response from the City and look forward to returning to the location that held many personal memories.

3. One phone call for more information came from Kelowna as a result of the Global TV interview. Another two calls resulted from the radio interview, both expressed positive reaction to the improvements happening this year.

4. One person visited Operations at City Yards counter on March 12, 2018 and were directed to Community Services Building. The individual requested to speak with a Bylaws Officer about setbacks between land uses. As her query was interpreted as a planning issue rather than Bylaw, a planner was asked to address her concerns.

March 12, 2018 Ms. XXXXXX came in to today to ask questions about setbacks between different land uses and primarily between residences and public uses. We had quite a long conversation and I indicated she could email you or if they feel strongly, they can write a letter to Mayor and Council. We can discuss when you are back. XXXX

5. Each of five emails sent to or forwarded to the Parks Planner are presented in its entirety below.

March 08, 2018, 10:16 AM

I was not able to go to the Info session, so here are my thoughts.

1. Is the shelter outside the expected flood zone (was 2017 the highest to be expected)?
2. Will the shelter be reservable?
3. My opinion is that the gate is too far from the road. When the park is closed, trailer towing vehicles may accidentally enter and not be able to turn around.
4. Will trailer access be allowed?
5. Why not use low environmental impact composting toilette?

6. Is traffic calming features feasible on such a busy road that also has lots of trailer traffic?
 7. Why not have paved trails so that the "Camp Hurlburt Park" is wheel chair accessible?
 8. Will there be a paved ramp into the water to accommodate wheel chairs?
 9. Will there be signage on Eastside Road far enough in advance of the entrance to reduce the chance of rear end collisions?
- As you can probably can tell, my ideas and question are my suggestion.
The "Camp Hurlburt Park " looks great and will be a wonderful asset for Vernon.
Great job, thank you,
PS I think that a good name for the park would be "Camp Hurlburt Park"

March 09, 2018 11:56 AM

I am sending this letter around to the different people and departments and government official that I think can influence our future and help us, so if you have reserved this, it is because you maybe in a position to help us. We saw the plans that the City of Vernon's planner had for the old Camp Hurlburt Site, and we are very concerned and stressed. We live in the house that is abutted to the park so our lives and privacy are going to be effected in a big way as our every day lives will be strongly effected, plus we have a disabled person who can't and should not have to leave the home if the noise levels get to be too much. By putting a public gathering area with a fleet of picnic tables that the public can use as a picnic area and or special event space or class room and other activities that is right next and too close to the private home that abuts the northern side of the planned park, we will be seriously effected. This picture I have attached shows the fenced area that they say they are redeveloping into a public activities area and this is taken from inside the home, you can see that the area is no more than 2 or 3 yards away from the home. We also have a disabled person here, so this makes it hard to mobilize them if we need to leave if the noise is too much. And they should not have to leave their home because of others. This plan is putting a big problem right at our doorstep. The plan would be a good one but they are doing it too close to a private home so this great plan turns out to be a very bad plan.

The park is perfect as a swimming area so they should be concentrating on that aspect as that is why people came here. People will still us the park without all this development around someones private home as it will be a big concern to the private home owners who already exist there. This part of the development is going to put too much strain on us as now instead of the peoples activities being centred around the lake it will bring them right up beside the private home and this will become a day long constant issue for the residents of the house to contend with as the noise will carry into the house. The plans do not only omit any concern for the wellbeing of the neighbouring residents but they will be adding a lot of undue stress, plus I am pretty sure there are certain stipulations about building public gathering places too close to private homes that they are not

following in this segment of these plans. The disabled resident here makes this more than just an issue of infringing on normal human rights but also it victimizes a vulnerable individual. The planners feel that putting up trees as a buffer will help; come have a look, and see that when the trees finally do grow big enough which will be years, the area between house and picnic area is much too narrow. So this really does concern us about building a public gathering place too close to a private dwelling. The park plans are not only inconsiderate of the privacy of the home owners that have lived here since the 1970s but they are not realizing the noise that will generate from the area. There used to be a building there but it is gone and it was an eating area but it was well concerned so there was no problems about noise but with an open public area it will be a problem. The planning really does not show any concern for the private home dwellers. One of the people I have been in contact with told me that I better get hold of someone that can help us as they felt I did have the right to be very concerned, and that the plans are flawed as it was not addressing any realistic issues and not dealing with the rights of the residents that their decisions will directly and constantly effect plus they are omitting some key elements like the close proximity of private homes, so hopefully there is stipulation about building a OPEN public gathering area too close to the an existing private home. And it is worth noting we just had paid for a normal fence ourselves a few years ago that is sufficient as a barrier for the activities that go on now, but if the plans are to centre there park activities around this private home against our wishes and that effects our rights to privacy and a quiet life style that all other home owners have than this is not acceptable and it really will be an infringement on our rights, and what is frustrating to us is this big problem is an avoidable, if our concerns are listened to now and taken seriously. The noise typically has been down on the beach, so the noise is tolerable, and we have been told we are great sports about it, but if they go ahead with this plan to bringing in picnic tables and a central events area right up to the private home it will of course bring the noise right up to and into the house. None can tolerate that and anyone can understand that if they put themselves in our shoes. Anyone can understand this will be a serious problem. We are like anyone else we cannot endure that kind of constant noisy environment, so whomever is responsible for these decisions is not getting that this situation is creating a humanly impossible situation for the residents. Anyone that thinks that there will be no problems or that people have to live with constant noise in that close of proximity of their home is naive or that we can just keep on phoning the authorities is not realizing that this means they are putting the home owners into a constant stressful situation therefore their plans are very flawed. This plan of concentrating the public around the private home area is not going to work and we can not go through that stress and the city can't force people out of their homes either. This will be undue stress. The beach is the biggest attraction for the public so why make plans to having an activity area for the public far away from the beach and right next to and as close as possible to the private house? It just does not make sense and to say that the reason they are doing that is because of the old foundation is saying to us that our wellbeing is not of any importance, and I hope this email/letter/notice of concern reaches someone that realizes this and

can help us out as we are now pleading for help. Anyone would understand the problems this will cause if this were happening at their home. How would you or the planner feel if someone did this right close up to your private home. You would see the potential problem and do anything you could to prevent them from making the mistake because you would know that there will be nothing but problems, and stress and there would be ongoing conflicts. This will make life impossible and everyone here knows this. Are we and the disabled senior supposed to leave when there are going to be a bunch of people right next to the house everyday and all day. I hope anyone reading this can understand it is humanly impossible and the City of Vernon has no right to impose this on anyone. We have an individual who can't walk and has the right to be comfortable in their home and feel safe in a stress free environment.

I must also mention the big problems it causes when people bringing in their loud music even when it is not close up to the house, so just think about what will if they bring that music this close and please think about this as if this was to happen constantly at your house. We have lived here for decades all year round, this is not a vacation home we live our lives here and our right to privacy is more important than a bunch of picnic tables I would think. If the planners were good planners they should take into consideration that there is a private home in the area and that they should respect their privacy when planning this project but the plan is flawed at this point because that fact is omitted. If there was not a private home at this spot this would have been a great plan but the fact is we are here and we are breathing , living human being that do have rights in our private homes just like everyone else. Anyway if you can help or know someone that can help us then please send this along to them and please email me. I have lived hear on the Okanagan landing since I was five years old, my parents where community leaders, XX. XXXXXXX-XXXXX was my godfather, my grandmother ran camp Hulburt when it was a camp for the Boy Scouts, so our family has a lot of history here and very involved with camp Hurlburt throughout its history. Thank you for reading this. I do not wish to point fingers of blame but I do know that we have been overlooked and because we live so close to the park and the area that they want to make into a public area we do need to be heard and our concerns need to be taken seriously. XXXX XXXXXX

March 12, 2018 2:07 PM

Comments on plan

1 make an entrance at north end of property.

2 construct a one way road from north to south. This allows for parking on both sides.

3Move recreational area farther away from residential properties. It was very noisy when it was a camp.

March 13, 2018 5:04 PM

City parks play a vital role in the community. The residents in the City of Vernon have an abundance of nearby lakeshore parks to choose from on Okanagan Lake

and Kalamalka Lake. Ellison Provincial Park, Kinsman Beach/Lakeshore Park, Paddlewheel Park, Kalamalka Lake Provincial Park, Coldstream Park and Kekuli Bay Provincial Park.

The question is at what cost to taxpayers can we afford to pay to build and maintain a lakeshore park that is so small? This is too much money to pay for 9 months for 31 parking stalls at Hurlburt Park? It would become an elite park with only 311 meter shoreline for a few people.

\$719,000.00 plus \$47,400 annually to maintain a small park not including the purchase price and dock building, fees and the cost of a lifeguard? There will be approvals needed from the governing bodies of Okanagan Lake and environmental studies. There are many restrictions for any kind of shoreline development including a park. Have they approved the proposed plan? Also, restrictions on dock building.

There are lessons we need to learn from the 2017 flood that affected the entire shoreline of Okanagan Lake. I would favor to keep HURLBURT PARK simple. It could be maintained as a simple pedestrian & cyclist park or used only for social programs, the handicapped and underprivileged children. Another idea is to use the park as a revenue rental and to pay for the cost of any development and any money extra to pay to maintain it and other city parks.

Thank you for your work and including the residents to provide feedback.

March 13, 2018 11:51 PM

Please do not place of picnic tables or any activities that will attract people right next to my house, as it will disrupt my peace. Placing them along the beach is more suitable. Bringing people away from the beach up as close as possible to the only private home does not make sense. I understand that the city wants more beach and lake access for the public, but bringing the public up from the beach and lake to my house contradicts this mission. From XXXX XXXXXXXX.

Just a note: one of my caregivers looked up this information; with a list of some By Laws under Bylaw number 4980. I am a tax payer so these right ably to me and no one has the right to say they don't.

4.4 General Prohibitions:

(a) No person shall make or cause, or permit to be made or caused, any noise in or on a highway or other public place in the City which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that place;

(b) No person being the owner, occupier or tenant of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighbourhood or vicinity of that property.

(Gill is a tax payer and she has the same rights as everyone else and no one has the right to discriminate against her by stripping her of those rights, just because she live on the lake next to the land that the city plans to turn into a park. It is not hard to understand that building a public gathering place too close to her home will inevitably cause disturbances, which would be otherwise be fine if it was much farther away. The beach and lake noise thus far have been fine as they are away from the house. Also because many people feel that in such settings they like to bring their music along, I thought to add some of the following By laws. There are possibly more by Laws that pertain to residents rights, but I was not given them when I went to the By Law office. So we found these ones our selves.)

4.5 Specific Prohibitions:

Without limiting the generality of Section 4.4 herein:

(a) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or on any highway or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of those premises or place;

(b) No person being the owner, occupier or tenant of real property shall allow or permit his real property to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said real property;

March 14, 2018

Unfortunately most of the neighbours that will be effected by the decisions regarding the parks plans are away, and will not be back until spring or late spring so the time frame in which Susan Abbott set up is a very short time in which to get an accurate feedback from the people who will be mostly effected and to make things even more complicated there was no area for them to noise their concerns anyway on the feed back page? So please understand you will not be getting an accurate amount of feedback as there are not enough opportunity as the timing and amount of time and ways to send feedback are to limited. From XXXX X



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6135-02-02

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** March 15, 2018

FROM: Kendra Kryszak, Parks Planner

SUBJECT: Proposed Parks Development Cost Charge Bylaw Feedback

The Parks DCC Program project list (Attachment 1) was based on the Parks Master Plan that was endorsed by Council in 2015. Additional projects have been added to the list based on the recent transfer of Kin Beach, Marshall Field, Paddlewheel Park, the DND lands and Hurlburt Park. The time frame for the new Park Development Cost Charge program is ten years, which is consistent with the Parks Master Plan. The benefit percentage was identified as either 100% DCC recoverable or 33% DCC recoverable. The 100% recoverable projects are necessary to accommodate new growth. The 33% recoverable projects are projects that would increase the level of service or resolve existing deficiencies, as well as provide benefits to new growth. The recommended assist factor for the parks DCC program is 1%, as this aligns with the assist factors currently used for other categories of the DCC infrastructure.

Information on the proposed DCC program was available at an open house on March 15, 2018 (2 – 4 p.m. for the development community and the general public was invited from 5 – 7 p.m.). In total, there were two developers that were in attendance and the General Manager for the Greater Vernon Chamber of Commerce. No members of the public attended.

The feedback received was positive in regards to the unit charges. There were some concerns that the Regional District of North Okanagan and the City of Vernon would be duplicating DCC charges. Administration advised that the City of Vernon and the RDNO are working together to try and ensure this does not happen. The other concern was that the land acquisition number was low given the potential lands that may come up for purchase that might not be documented within regional plans. Attachment 2 has the feedback forms from the information sessions.

RECOMMENDATION:

THAT Council endorse the Parks Development Cost Charge Program as outlined in the memo titled “Proposed Parks Development Cost Charge Program” dated March 15, 2018 as submitted by the Parks Planner.

Respectfully submitted:



Kendra Kryszak, Parks Planner

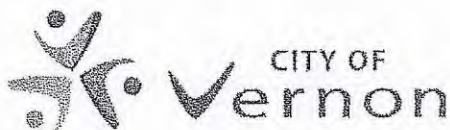
Attachment 1: DCC Program Project List

Attachment 2: Feedback forms

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PARKS DCC PROGRAM 2018													
DCC Project List													
Project ID	Description	Project Timing	Total Construction Cost Estimate	Eligible Construction Cost Estimate	Engineering, Contingency, and Administration (40%)	Total DCC Cost Estimate	Outside Contributions	Total DCC Project Cost	Benefit Allocation	Benefit to New Development	Mun. Assist Factor	DCC Recoverable	Total Mun. Responsibility
PA1	Land Acquisition	1 - 10 years	\$3,500,000	\$3,500,000	\$0	\$3,500,000	\$0.00	\$3,500,000	100%	\$3,500,000	\$35,000	\$3,465,000	\$35,000
PA2	Becker Park	1-6 years	\$195,000	\$115,000	\$46,000	\$161,000	\$0.00	\$161,000	33%	\$53,130	\$531	\$52,599	\$108,401
PA3	Lakeview Estates Park (CLD)	4-6 years	\$80,000	\$80,000	\$32,000	\$112,000	\$0.00	\$112,000	33%	\$36,960	\$370	\$36,590	\$75,410
PA4	Hidden Park	1-3 years	\$100,000	\$100,000	\$40,000	\$140,000	\$0.00	\$140,000	33%	\$46,200	\$462	\$45,738	\$94,262
PA5	New Foothills Park	1-3 years	\$150,000	\$150,000	\$60,000	\$210,000	\$0.00	\$210,000	100%	\$210,000	\$2,100	\$207,900	\$2,100
PA6	Rec Centre Park	4-6 years	\$100,000	\$100,000	\$40,000	\$140,000	\$0.00	\$140,000	33%	\$46,200	\$462	\$45,738	\$94,262
PA7	39th Street Park	4-6 years	\$90,000	\$90,000	\$36,000	\$126,000	\$0.00	\$126,000	33%	\$41,580	\$416	\$41,164	\$84,836
PA8	Bench Row Road Park	7-10 years	\$60,000	\$60,000	\$24,000	\$84,000	\$0.00	\$84,000	33%	\$27,720	\$277	\$27,443	\$56,557
PA9	Dog Beach	1-3 years	\$10,000	\$10,000	\$4,000	\$14,000	\$0.00	\$14,000	33%	\$4,620	\$46	\$4,574	\$9,426
PA10	Polson Park Master Plan Improvements	1-10 years	\$3,000,000	\$3,000,000	\$1,200,000	\$4,200,000	\$0.00	\$4,200,000	33%	\$1,386,000	\$13,860	\$1,372,140	\$2,827,860
PA11	Civic Arena Master Plan Improvements	4-6 years	\$1,100,000	\$1,100,000	\$440,000	\$1,540,000	\$0.00	\$1,540,000	33%	\$508,200	\$5,082	\$503,118	\$1,036,882
PA12	Lakeshore Master Plan Improvements	1-10 years	\$750,000	\$421,500	\$168,600	\$590,100	\$0.00	\$590,100	100%	\$590,100	\$5,901	\$584,199	\$5,901
PA13	Cenotaph Park (Design)	7-10 years	\$100,000	\$100,000	\$0	\$100,000	\$0.00	\$100,000	33%	\$33,000	\$330	\$32,670	\$67,330
PA14	Civic Plaza (Design)	7-10 years	\$140,000	\$140,000	\$0	\$140,000	\$0.00	\$140,000	33%	\$46,200	\$462	\$45,738	\$94,262
PA15	Playground Upgrades	4-10 years	\$240,000	\$240,000	\$96,000	\$336,000	\$0.00	\$336,000	33%	\$110,880	\$1,109	\$109,771	\$226,229
PA16	Foothills Ravine Trail (Phase 2 ~0.6km)	1-3 years	\$40,000	\$40,000	\$16,000	\$56,000	\$0.00	\$56,000	33%	\$18,480	\$185	\$18,295	\$37,705
PA17	Lower Commonage Network Trail (~4km)	4-6 years	\$150,000	\$150,000	\$60,000	\$210,000	\$0.00	\$210,000	33%	\$69,300	\$693	\$68,607	\$141,393
PA18	Bella Vista Trail (~500m)	4-6 years	\$40,000	\$40,000	\$16,000	\$56,000	\$0.00	\$56,000	33%	\$18,480	\$185	\$18,295	\$37,705
PA19	Vernon Creek Trail (~500m)	4-6 years	\$12,000	\$12,000	\$4,800	\$16,800	\$0.00	\$16,800	33%	\$5,544	\$55	\$5,489	\$11,311
PA20	South Entrance of Polson Park	4-6 years	\$20,000	\$20,000	\$8,000	\$28,000	\$0.00	\$28,000	33%	\$9,240	\$92	\$9,148	\$18,852
PA21	Lakeshore Trail Phase 1 (~500m)	7-10 years	\$90,000	\$90,000	\$36,000	\$126,000	\$0.00	\$126,000	100%	\$126,000	\$1,260	\$124,740	\$1,260
PA22	Allan Brooks Trail (550m)	7-10 years	\$40,000	\$40,000	\$16,000	\$56,000	\$0.00	\$56,000	33%	\$18,480	\$185	\$18,295	\$37,705
PA23	Trail Connections	1-10 years	\$500,000	\$500,000	\$200,000	\$700,000	\$0.00	\$700,000	33%	\$231,000	\$2,310	\$228,690	\$471,310
PA24	Lakeview Park Washroom	1-3 years	\$400,000	\$400,000	\$160,000	\$560,000	\$0.00	\$560,000	33%	\$184,800	\$1,848	\$182,952	\$377,048
PA25	Laker's Park Washroom	4-6 years	\$200,000	\$200,000	\$80,000	\$280,000	\$0.00	\$280,000	33%	\$92,400	\$924	\$91,476	\$188,524
PA26	Grahame Park Washroom	4-6 years	\$175,000	\$175,000	\$70,000	\$245,000	\$0.00	\$245,000	33%	\$80,850	\$809	\$80,042	\$164,959
PA27	MacDonald Park Washroom	7-10 years	\$150,000	\$150,000	\$60,000	\$210,000	\$0.00	\$210,000	33%	\$69,300	\$693	\$68,607	\$141,393
PA28	Alexis Park Washroom	7-10 years	\$175,000	\$175,000	\$70,000	\$245,000	\$0.00	\$245,000	33%	\$80,850	\$809	\$80,042	\$164,959
PA29	Kin Beach	4-6 years	\$1,750,000	\$1,250,000	\$500,000	\$1,750,000	\$0.00	\$1,750,000	33%	\$577,500	\$5,775	\$571,725	\$1,178,275
PA30	Marshall Field	4-6 years	\$1,180,000	\$610,000	\$244,000	\$854,000	\$0.00	\$854,000	33%	\$281,820	\$2,818	\$279,002	\$574,998
PA31	PaddleWheel Park	7-10 years	\$530,000	\$400,000	\$160,000	\$560,000	\$0.00	\$560,000	33%	\$184,800	\$1,848	\$182,952	\$377,048
PA32	DND Lands	4-6 years	\$500,000	\$320,000	\$128,000	\$448,000	\$0.00	\$448,000	33%	\$147,840	\$1,478	\$146,362	\$301,638
TOTALS			\$15,567,000	\$13,778,500	\$4,015,400	\$17,793,900		\$17,793,900		\$8,837,474	\$88,375	\$8,749,099	\$9,044,801

Notes: (1) Project PA1 Land Acquisition increased from \$3.2 million (in 2015 Parks Master Plan) due to land cost increases
 (2) Project PA2 partially constructed (cost reduced by \$80,000 - tender price for bike skills park)
 (3) Ineligible DCC Costs (parkings lots) have been removed from PA12, PA29, PA30, PA31, and PA32



Parks Development Cost Charges (DCC) Review

OPEN HOUSE FEEDBACK FORM – MARCH 15, 2018

1. Was the information provided at this meeting helpful?

Yes No Somewhat

2. What additional information would you like to have seen at the meeting?

Presentation materials were adequate.

3. What is your interest in Development Cost Charges? – check all that apply

Developer Realtor
Contractor / Builder Business Owner
Property Owner Resident

Other (please describe): _____

4. Do you have any additional comments or questions? (use back of page if required)

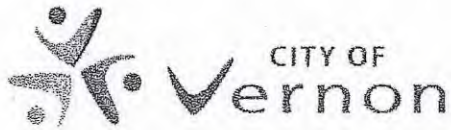
While the cost share & ownership structure of a future foothills knoll park is yet to be finalized, perhaps additional funds should be allocated into land acquisition until such time as ownership is determined.

Please contact Kendra Kryszak, Parks Planner, City of Vernon, at kkryszak@vernon.ca or (250) 550-3518 for more information about the Parks DCC Update.

Name and address: _____

Email address for future information (optional): _____

Thank you for your input!



Parks Development Cost Charges (DCC) Review

OPEN HOUSE FEEDBACK FORM – MARCH 15, 2018

1. Was the information provided at this meeting helpful?

Yes No Somewhat

2. What additional information would you like to have seen at the meeting?

POTENTIAL TIMING OF IMPLEMENTATION

3. What is your interest in Development Cost Charges? – check all that apply

Developer

Realtor

Contractor / Builder

Business Owner

Property Owner

Resident

Other (please describe): _____

4. Do you have any additional comments or questions? (use back of page if required)

- PROPOSED PROGRAM IS GREAT, SEEING DCC'S DECREASE IS RARE
- CONCERNS REMAIN THAT ~~AND~~ WOULD IMPLEMENT SOMETHING TO REPLACE THEIR

CURRENT DCC'S; ~~THE~~ VERNON DCC'S ARE VERY HIGH AND THESE COST ARE PASSED ON ~~THE~~ TENANTS, ETC. GOING AGAINST THE PLAN TO PROVIDE AFFORDABLE HOUSING.

Please contact Kendra Kryszak, Parks Planner, City of Vernon, at kkryszak@vernon.ca or

(250) 550-3518 for more information about the Parks DCC Update.

Name and address: _____

Email address for future information (optional): _____

Thank you for your input!



Parks Development Cost Charges (DCC) Review

OPEN HOUSE FEEDBACK FORM – MARCH 15, 2018

1. Was the information provided at this meeting helpful?

Yes: No Somewhat

2. What additional information would you like to have seen at the meeting?

Well laid out

3. What is your interest in Development Cost Charges? – check all that apply

Developer

Realtor

Contractor / Builder

Business Owner

Property Owner

Resident

Other (please describe): Chamber of Commerce

4. Do you have any additional comments or questions? (use back of page if required)

No questions at this time

Please contact Kendra Kryszak, Parks Planner, City of Vernon, at kkryszak@vernon.ca or
(250) 550-3518 for more information about the Parks DCC Update.

Name and address: _____

Email address for future information (optional): _____

Thank you for your input!



THE CORPORATION OF THE CITY OF VERNON

REPORT/RECOMMENDATION TO COUNCIL

**SUBMITTED
BY:**

Geoff Gaucher, Manager Protective Services

DATE: March 16, 2018

FILE: 4000-01-02

**SUBJECT: PROPOSED AMENDMENTS TO THE CLEAN INDOOR AIR AND SMOKING REGULATIONS
BYLAW 5678, AND THE PARKS AND PUBLIC PLACES BYLAW 5679**

PURPOSE:

To seek Councils endorsement of the proposed amendments to the Clean Indoor Air and Smoking Regulations Bylaw and the Parks and Public Places Bylaw;

RECOMMENDATION:

THAT Council endorse the proposed amendments to the Clean Indoor Air and Smoking Regulations Bylaw and the Parks and Public Places Bylaw as presented in the report titled "Proposed Amendments To The Clean Indoor Air And Smoking Regulations Bylaw 5678, And The Parks And Public Places Bylaw 5679" dated March 16, 2018 from the Manager, Protective Services;

ALTERNATIVES & IMPLICATIONS:

THAT Council endorse the proposed amendments to the Clean Indoor Air and Smoking Regulations Bylaw and the Parks and Public Places Bylaw as presented in the report titled "Proposed Amendments To The Clean Indoor Air And Smoking Regulations Bylaw, And The Parks And Public Places Bylaw" dated March 16, 2018 from the Manager, Protective Services as amended "*to be cited by Council*".

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. At the February 13, 2018 Regular meeting, Council received a delegation of representatives from First Transit. The delegates requested that Council consider

updating the City of Vernon's Smoking Bylaw to more closely match the regulations provided in the Lake Country Smoking Bylaw (Attachment 1).

2. **Provincial Legislation:**

The Province of British Columbia "Tobacco and Vapour Products Control Act" (Attachment 2) and the "Tobacco and Vapour Products Control Regulation" (Attachment 3), set a provincial baseline for protection from second-hand smoke within indoor public places, workplaces as well as within 6 metres of doorways, windows and air intakes. Smoking is prohibited within a transit shelter, but exempted from the 6 metre prescribed distance for smoking outside the transit shelter.

3. **City of Vernon:**

Smoking is regulated within the City of Vernon by way of two Bylaws; "The Clean Indoor Air and Smoking Regulations" Bylaw 3422 (Attachment 4) and the "Parks and Public Places" Bylaw 5057 (Attachment 5).

The Clean Indoor Air and Smoking Regulations Bylaw 3422 prohibits or regulates smoking within restaurants, banks, medical offices, civic buildings and other indoor spaces attended by the public. The proprietor is responsible to designate areas where smoking is prohibited, and must post signage conspicuously to inform the public. Smoke or Smoking is defined as: "includes the carrying of lighted cigar, cigarette, pipe or other lighted smoking equipment". The definition has not been updated to encompass e-cigarettes, e-substances, cannabis, water pipes or devices that vaporize tobacco or any other substance.

The Parks and Public Places Bylaw 5057 prohibits smoking in a public place which is defined in the bylaw as "an area of land, including a highway or park, or improvement on the land, in respect of which the City holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings, areas around civic buildings, or areas developed for use on a highway. It also includes unoccupied areas of Crown Land contiguous to a watercourse".

Smoking is prohibited where signs are posted indicating a "No Smoking" area. The Polson Park Pavilion is the only area where signs prohibiting smoking are posted within the parks. The prohibition on smoking is worded as: "smoke or hold lighted tobacco products, or smoke or hold any other product designed to be lit and inhaled, in an area posted by signage as a "No Smoking" area". The definition has not been updated to encompass e-cigarettes, e-substances, cannabis, water pipes or devices that vaporize tobacco or any other substance.

There is no regulation of smoking at a transit stop beyond the prohibition on smoking within the bus shelter provided by the Provincial Tobacco and Vapour Products Control Regulation, which prohibits smoking within a bus shelter where one exists.

4. **The District of Lake Country:**

Smoking Regulation Bylaw 954, prohibits smoking “in any public space, at or within 7.5 metres of any park, transit stop, common area, outdoor customer service area. The Bylaw also prohibits smoking within 7.5 metres measured on the ground from any point of opening into any building including any doorway, opening window or air intake”. Signage is required at the entrances to Buildings, on exterior walls and Outdoor Customer Service Areas. There is a responsibility to post the signs in a specified format. The prescribed distances in Provincial legislation have been expanded from 6 metres to 7.5 metres in this bylaw, and bus or transit stops have been included in the 7.5 metre prescribed distance to prohibit smoking within the entire area of the bus stop.

Smoking Regulation Bylaw 945 has the definition of Smoke to include e-cigarettes and Cannabis: "Smoke" or "Smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes tobacco, marijuana or any other substance.

The bylaw prohibits smoking in any Public Space which is defined as “real property or portions thereof owned or operated by the District to which the public is ordinarily invited or permitted to be in or on and includes, but is not limited to, the grounds of public facilities or Buildings, any outdoor gathering place, Parks, playgrounds, sports fields, and the Municipal Hall and the area immediately surrounding it”.

5. Administration recommends amending the City of Vernon “Clean Indoor Air and Smoking Regulations Bylaw 3422” to update the definition of smoking to include e-cigarettes and cannabis (Attachment 4). Administration also recommends amending the City of Vernon “Parks and Public Places Bylaw 5057”, to include the updated definition of smoking to include e-cigarettes and cannabis, and to prohibit smoking at a transit stops and Parks (Attachment 5).

C. **Attachments:**

1. District of Lake Country Bylaw 954, A Bylaw to Regulate and Prohibit Smoking
2. Tobacco and Vapour Products Control Act, BC
3. Tobacco and Vapour Products Control Regulation, BC
4. Amended Draft City of Vernon Clean Indoor Air and Smoking Regulations Bylaw 5678
5. Amended Draft City of Vernon Parks and Public Places Bylaw 5679

D. **Strategic Plan Objectives:**

This proposal involves the following goals in Council’s Strategic Plan (2015 -2018):

- Create a vibrant parks and recreation system

E. Policy (Existing/Relevance/None):

N/A

F. Relevant History:

N/A

G. Applicants Response:

N/A

H. Reasons for Bylaw:

A presentation was made to Council by a delegation of representatives from First Transit at the February 13, 2018 Regular meeting. The delegates requested that Council consider updating the City of Vernon's Smoking Bylaw to more closely match the regulations provided in the Lake Country Smoking Bylaw.

I. Resources:

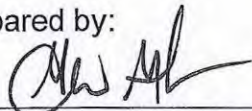
N/A

BUDGET IMPLICATIONS:

Signage will be required at transit stops and parks to notify the public. A new parks standard for signage has been recently adopted where No Smoking signs can be added to the existing signage to meet the requirements of the Bylaw.

Initial voluntary compliance would be gained through Public education and posted signage. Bylaw Compliance staff will respond to complaints received from members of the public, however response times may vary based on location of complaint, workload levels and nature of calls outstanding in the queue. Summer staff patrolling parks would deal with smoking in the normal course of their duties.

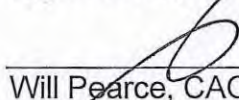
Prepared by:



Geoffrey Gaucher, Manager

Protective Services

Approved for submission to Council:


Will Pearce, CAO

Date: 19.03.2018

APPROVALS	DATE	COUNCIL AGENDA INFORMATION:		
Supervisor _____	_____	<input checked="" type="checkbox"/> Regular	Date: <u>July 13, 2015</u>	Item # _____
Division Manager _____	_____	<input type="checkbox"/> In-Camera/COW	Date: _____	Item # _____
		<input type="checkbox"/> Information Item	Date: _____	Item # _____
		<input type="checkbox"/> Agenda Addenda	Date: _____	Item # _____

<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u> Committees
<input type="checkbox"/> Bylaw Services	<input type="checkbox"/> Environment	<input type="checkbox"/> Public Works	<input type="checkbox"/> _____
<input type="checkbox"/> Clerk	<input type="checkbox"/> Facilities	<input type="checkbox"/> Planning	<input type="checkbox"/> _____
<input type="checkbox"/> Economic Dev.	<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering	<input type="checkbox"/> _____
<input type="checkbox"/> RCMP	<input type="checkbox"/> Fire	<input type="checkbox"/> Operations	<input type="checkbox"/> _____
<input type="checkbox"/> Building & Licensing	<input type="checkbox"/> GVS – Parks	<input type="checkbox"/> GVS - Water	
<input checked="" type="checkbox"/> Human Resources	<input type="checkbox"/> Utilities	<input type="checkbox"/> Recreation Services	
		<input type="checkbox"/> Other _____	

NOTE: City Administrator's comments will be provided if required as an addendum to the report

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Attachment 1

DISTRICT OF LAKE COUNTRY

BYLAW 954

A BYLAW TO REGULATE AND PROHIBIT SMOKING IN THE DISTRICT OF LAKE COUNTRY

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

1. DEFINITIONS

1.1. In this bylaw, unless the context otherwise requires:

"**Building**" means a structure fully or substantially enclosed with walls and/or roofs, and used for the shelter or accommodation of **Persons**, animals, chattels or things or any combination thereof.

"**Bylaw Enforcement Officer**" means an officer, employee or agent of the **District** of Lake Country, authorized by **Council** to administer this bylaw, including the lawful deputy of that **Person** and a **Person** who is appointed to fill the position on an "Acting" basis in the absence of the **Person** who holds the position.

"**Common Area**" includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public common areas of a **Building**.

"**Council**" means the municipal **Council** of the **District** of Lake Country.

"**District**" means the organization of the **District** of Lake Country.

"**Outdoor Customer Service Area**" means a part of private or public property located immediately outside of a restaurant, retail food service, neighbourhood public house or licensed lounge whether partially enclosed or unenclosed, including a balcony, patio, or yard that is connected to or associated with a **Place of Employment** or use in a **Building** or Premises that includes the service of food or beverages, which may include alcoholic drinks, to customers or other **Persons** for consumption on site.

"**Park**" means any real property owned or occupied by the **District** for the purpose of pleasure, recreation or community use by the public, including but not limited to **Parks**, playgrounds, public squares, pathways and other public places and all improvements, and shall include beaches and other public areas adjacent to lakes or streams but does not include any **District** land leased to a third party.

"**Person**" includes associations, partnerships, corporations, whether acting by himself or herself or by a servant, agent or employee.

"**Public Space**" means real property or portions thereof owned or operated by the **District** to which the public is ordinarily invited or permitted to be in or on and includes, but is not limited to, the grounds of public facilities or **Buildings**, any outdoor gathering place, **Parks**, playgrounds, sports fields, and the Municipal Hall and the area immediately surrounding it.

"Responsible Person" means a **Person** who owns, controls, manages, supervises or operates a **Building, Common Area, Outdoor Customer Service Area**, place of public assembly or a **Building** or facility owned or leased by the **District**, other than a dwelling unit.

"Smoke" or "Smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other **Smoking** equipment, that burns or vaporizes, tobacco, marijuana or any other substance.

"Transit Stop" means a sign-posted location where public transit vehicles or Vehicles for Hire stop to pick up riders, and distances from a **Transit Stop** shall be measured from the sign that identifies the **Transit Stop** location.

2. APPLICATION OF BYLAW

2.1. No Person shall Smoke:

- (a) in any **Public Space**;
- (b) at or within 7.5 metres of any **Transit Stop**;
- (c) in any **Park**;
- (d) in any **Common Area**;
- (e) within 7.5 metres of any **Outdoor Customer Service Area**;
- (f) within 7.5 metres measured on the ground from a point below any point of opening into any building including any doorway, open window or air intake.

3. EXCEPTION

- 3.1. Section 2 does not apply to the ceremonial use of tobacco in a traditional Aboriginal cultural ceremony.

4. DUTIES OF RESPONSIBLE PERSON

- 4.1. A Responsible **Person** must not permit, suffer or allow a **Person to Smoke** in any area described in section 2.1 except to the extent where the responsible **Person** does not have possession or control over the area.

5. SIGN REQUIREMENTS

- 5.1. In accordance with this Bylaw a Responsible **Person** must post and maintain a sign indicating that **Smoking** is prohibited within the area for which the Responsible **Person** has possession or control over.
- 5.2. Where **Smoking** is prohibited under Section 2 of this bylaw, a Sign shall be posted:
- (a) at each entrance and on each exterior wall of a **Building**;
 - (b) in a location that is clearly visible from each table or on each table for **Outdoor Customer Service Area**;
- 5.3. A **Person** who is required to post and maintain a sign under this Bylaw must ensure that each required sign:
- (a) is clearly visible;
 - (b) is not removed, altered, concealed, defaced or destroyed
 - (c) includes the text **"NO SMOKING"**, **"SMOKING PROHIBITED"**, **"SMOKE FREE ENVIRONMENT"**, or **"SMOKING PROHIBITED WITHIN 7.5 METRES"**, as applicable;



6. ENFORCEMENT

- 6.1. The **Bylaw Enforcement Officer** has the right to enter at all reasonable hours any land or **Building** to which this Bylaw applies in order to ascertain whether the provisions of this bylaw are being complied with.
- 6.2. The **Bylaw Enforcement Officer** shall be responsible for administration of this Bylaw
- 6.3. No **Person** shall interfere with, delay, obstruct or impede the **Bylaw Enforcement Officer**, designate or other **Person** lawfully authorized to enforce this Bylaw in the performance of duties.

7. OFFENCE AND PENALTY

- 7.1. Every person, upon conviction of a ticket offence under the Bylaw Notice Enforcement Bylaw or Municipal Ticket Information Bylaw is liable to the applicable fine and penalty imposed under that bylaw.
- 7.2. Any **Person** who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) plus the cost of prosecution.
- 7.3. Each day that the violation continues to exist shall constitute a separate offence.

8. SEVERABILITY

- 8.1. If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

9. CITATION

- 9.1. This bylaw may be cited as "**Smoking Regulation Bylaw 954, 2016**".

10. EFFECTIVE DATE

10.1. This Bylaw comes into full force and effect six (6) months from the date of adoption.

READ A FIRST TIME this 17th day of May, 2016.

READ A SECOND TIME this 17th day of May, 2016.

READ A THIRD TIME this 7th day of June, 2016.

DEPOSITED WITH THE MINISTRY OF HEALTH this 9th day of June, 2016.

ADOPTED this 5th day of July, 2016.

Original signed by James Baker
Mayor

Original signed by Reyna Seabrook
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "Smoking Regulation Bylaw 954, 2016" as adopted by Council on the 5th day of July, 2016.

Dated at Lake Country, BC

Corporate Officer

This Act is current to March 7, 2018

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

TOBACCO AND VAPOUR PRODUCTS CONTROL ACT

[RSBC 1996] CHAPTER 451

Contents

- 1 Definitions
 - 2 Prohibitions
 - 2.1 Tobacco and vapour products not to be sold in certain places
 - 2.2 No tobacco or vapour product use on school property
 - 2.21 No tobacco or vapour product use on health board property
 - 2.3 No tobacco or vapour product use in or near certain places
 - 2.4 Prohibitions on display or promotion of tobacco and vapour products
 - 2.41 Exception for prescribed medical products
 - 3 Enforcement officers
 - 4 Detention or return of things seized
 - 5 Duties of administrator
 - 5.1 Agreement to obtain information
 - 6 Reporting convictions to the administrator
 - 6.1 Administrative penalties
 - 6.2 Administrative penalties as alternatives to offence proceedings
 - 6.3 Amount of monetary penalty
 - 6.4 Recovery of monetary penalty
 - 6.5 Liability of employees, officers, directors or agents of corporations
 - 6.6 Limitation period
- 7-10 Repealed
- 10.1 Sign indicating prohibition order
 - 10.2 Reporting prohibition orders to director
 - 10.3 Removing tobacco or vapour products from public display
 - 11 Power to make regulations
 - 12 Offences
 - 12.1 *Offence Act*
 - 13 Injunction

Definitions

1 In this Act:

- "**activated e-cigarette**" means an e-cigarette in which an e-substance is being vapourized;
- "**administrative penalty**" means a monetary penalty or prohibition order imposed under section 6.1;
- "**administrator**" means the administrator designated under section 5;
- "**conviction**", except in section 12, means a conviction for an offence under this Act or under the *Tobacco Act* (Canada);
- "**director**" means the director under section 1 of the *Tobacco Tax Act*;
- "**e-cigarette**" means the following:

- (a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air;
- (b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a);

"enforcement officer" means an enforcement officer designated under section 3;

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

- (a) that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and
- (b) that is not a controlled substance within the meaning of the *Controlled Drugs and Substances Act* (Canada);

"lease" means to lease as either lessor or lessee;

"retail" means a sale to a person for the person's own consumption or use, or for consumption or use by another person;

"tobacco" means tobacco leaves or products produced from tobacco in any form or for any use;

"vapour product" means the following:

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

Prohibitions

- 2 (1) A person must not deal in, sell, offer for sale, distribute, provide, advertise or promote the use of tobacco or vapour products
 - (a) except in compliance with this Act and the regulations made under this Act,
 - (b) in a manner that allows a consumer or purchaser of tobacco or vapour products to be deceived or misled concerning its character, toxicity, composition, merit or safety, or
 - (c) in a manner that interferes with initiatives by government to prevent injury to the health of a consumer or purchaser of tobacco or vapour products or to restrain the use and consumption of tobacco or vapour products.
- (2) A person must not sell, offer for sale, provide or distribute tobacco or vapour products to an individual who has not reached the age specified by regulation under section 11 (2) (g).
- (2.1) It is a defence to a charge under subsection (2) if the person charged with the contravention demonstrates that, in concluding that the individual reached the age specified by regulation, the person
 - (a) required the individual to produce a prescribed form of identification,
 - (b) examined the identification, and
 - (c) reasonably believed that the identification
 - (i) was that of the individual, and
 - (ii) had not been altered or otherwise falsified.
- (3) A person must not sell or offer for sale tobacco products from an opened package.
- (4) A person must not sell or offer to sell tobacco or vapour products at retail at a location to which a prohibition order under section 6.1 (2) (b) applies.

Tobacco and vapour products not to be sold in certain places

- 2.1** (1) A person must not deal in, sell, offer for sale or distribute tobacco or vapour products in any of the following places:
- (a) land, or a building or structure, used primarily for the purposes of a hospital or other health care services;
 - (b) the campus of a public university or other public post-secondary institution;
 - (c) a building or structure that is owned or leased by a public body that is used primarily for athletic or recreation purposes;
 - (d) a building or structure that is owned or leased by the government or a Crown corporation or agency;
 - (e) a prescribed place.
- (2) Subject to subsection (3), if any person contravenes subsection (1) in respect of a place, each manager, owner and lessee of the place is deemed to have contravened that subsection and each is liable for the contravention.
- (3) It is a defence to a charge under subsection (2) if the manager, owner or lessee, as applicable, demonstrates that he or she exercised reasonable care and diligence to prevent the contravention.
- (4) Subsection (2) applies whether or not the person who dealt in, sold, offered for sale or distributed tobacco or vapour products, or any other person, is charged with contravening subsection (1).

No tobacco or vapour product use on school property

- 2.2** (1) In this section:

"board" means

- (a) a board or francophone education authority under the *School Act*, or
- (b) an authority under the *Independent School Act*;

"school property" means property that is

- (a) owned or leased by, or operated under the authority of, a board, and
- (b) used for the purposes of delivering educational programs or other learning programs, and includes real property and improvements, and personal property;

"superintendent" means

- (a) the superintendent of schools under the *School Act*, or
- (b) a person exercising similar authority in respect of an independent school.

- (2) Subject to subsection (3), a person must not smoke or use tobacco, or hold lighted tobacco, in or on school property.
- (3) Subsection (2) does not apply to the ceremonial use of tobacco in or on school property if the ceremonial use of tobacco is approved by the board and it is performed
- (a) in relation to a traditional aboriginal cultural activity, or
 - (b) by a prescribed group for a prescribed purpose.
- (3.1) A person must not use an e-cigarette, or hold an activated e-cigarette, in or on school property.
- (4) Subject to subsection (5), if any person contravenes subsection (2) or (3.1), the board, superintendent and principal each are deemed to have contravened that subsection and each is liable for the contravention.
- (5) It is a defence to a charge under subsection (4) if the board, superintendent or principal demonstrates that each exercised reasonable care and diligence to prevent the contravention.
- (6) Subsection (4) applies whether or not the person who

- (a) smoked or used tobacco, or held lighted tobacco, or any other person, is charged with contravening subsection (2), or
- (b) used an e-cigarette or held an activated e-cigarette, or any other person, is charged with contravening subsection (3.1).

No tobacco or vapour product use on health board property

2.21 (1) In this section:

"health board" means

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

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

- (a) real property and improvements;
- (b) personal property.

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

- (a) smoke or use tobacco, or hold lighted tobacco;
- (b) use an e-cigarette, or hold an activated e-cigarette.

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

- (a) the ceremonial use of tobacco in or on health board property if the ceremonial use of tobacco is approved by the health board and it is performed
 - (i) in relation to a traditional aboriginal cultural activity, or
 - (ii) by a prescribed group for a prescribed purpose;
- (b) the smoking, use or holding of tobacco, or the use or holding of an activated e-cigarette, in or on any area of health board property that is designated by the health board as an area in which a person may use tobacco or e-cigarettes.

No tobacco or vapour product use in or near certain places

2.3 (1) Subject to subsection (2), a person must not smoke tobacco, hold lighted tobacco, use an e-cigarette, or hold an activated e-cigarette

- (a) in any building, structure, vehicle or any other place 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,
 - (ii) is a workplace, or
 - (iii) is a prescribed place, or
- (b) within a prescribed distance from a doorway, window or air intake of a place described in paragraph (a).

(2) Subsection (1) does not apply to the ceremonial use of tobacco

- (a) in relation to a traditional aboriginal cultural activity, or
- (b) by a prescribed group for a prescribed purpose.

(3) Subject to subsection (5), if any person contravenes subsection (1) in respect of a place described under subsection (1) (a) (i) or (iii), each manager, owner and lessee of the place is deemed to have contravened that subsection and each is liable for the contravention.

- (4) Subject to subsection (5), if any person contravenes subsection (1) in respect of a workplace, the employer is deemed to have contravened that subsection and is liable for the contravention.
- (5) It is a defence to a charge under subsection (3) or (4) if the manager, owner, lessee or employer, as applicable, demonstrates that he or she exercised reasonable care and diligence to prevent the contravention.
- (6) Subsections (3) and (4) apply whether or not the person who smoked or held lighted tobacco or used or held an activated e-cigarette, as described in subsection (1), or any other person, is charged with contravening subsection (1).

Prohibitions on display or promotion of tobacco and vapour products

2.4 (1) A person must not

- (a) display tobacco products or vapour products, or
- (b) advertise or promote the use of tobacco or vapour products by means of a sign or otherwise

in any manner prohibited by the regulations.

(2) Despite subsection (1), the minister may order an exemption from a provision of the regulations made in relation to this section in respect of the retail of tobacco from a building or structure that

- (a) is a protected heritage property within the meaning of the *Local Government Act* or of the *Vancouver Charter*, and
- (b) in the opinion of the minister, has a historic connection to the retail of tobacco.

Exception for prescribed medical products

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

Enforcement officers

3 (1) The minister may designate as enforcement officers any persons or categories of persons the minister considers qualified to be so designated.

(2) To carry out the duties of an enforcement officer under this Act, an enforcement officer may at any reasonable time enter and inspect any place

- (a) to which the public has access and where tobacco or vapour products are offered for sale, or
- (b) to which any of sections 2.1 to 2.3 apply.

(3) If an enforcement officer reasonably believes that a contravention or an offence under this Act has been committed, the enforcement officer may seize and detain for the purposes of this Act any item that may constitute evidence of the contravention or offence if the item is

- (a) in plain view, and
- (b) in a place to which the public has access.

(4) A person must not

- (a) hinder, obstruct or otherwise interfere with an enforcement officer who is acting under this Act, or
- (b) knowingly make a false or misleading statement, or provide or produce a false document or thing, to an enforcement officer who is acting under this Act.

Detention or return of things seized

4 (1) If an item is detained under section 3 (3), an enforcement officer must give a receipt for the item to the person from whom it was seized and

- (a) promptly return the item to the owner of the item, after making copies or taking extracts from the item insofar as the enforcement officer considers this to be required for the purposes of this Act, and the making of copies or the taking of extracts is to be under the supervision of an enforcement officer and at the expense of the person from whom it was seized, or
 - (b) retain the item and make it available for review by the person from whom it was seized, if the enforcement officer considers that retention of the item is necessary and reasonable for the purposes of
 - (i) an investigation of a contravention or an offence under this Act,
 - (ii) the imposition of an administrative penalty under section 6.1, or
 - (iii) the prosecution of an offence under this Act.
- (2) A copy made or extract taken under subsection (1), certified by an enforcement officer as a true copy or extract from the original, is admissible in evidence to the same extent as, and has the same evidentiary value as, the item of which it is a copy or from which it is an extract.
- (3) On conviction for an offence under this Act, an item detained under section 3 (3) in relation to the offence and not returned under subsection (1) is forfeited to the government.
- (4) An item that is retained under subsection (1) (b) must be returned to its owner, on written request of that person to the administrator, within 120 days of its seizure, unless
 - (a) the administrator considers that the item is required for the purposes of a proceeding under this Act, or
 - (b) subsection (3) applies.
- (5) If the owner of an item that is retained under subsection (1) (b) has not made a written request to the administrator for its return within 120 days of its seizure, the item is forfeited to the government.

Duties of administrator

- 5 (1) The minister may designate a public service employee to be the administrator.
- (2) The administrator may, in writing, delegate to any person or entity any of the administrator's functions, duties or powers under this Act, except the power to delegate under this subsection.
- (3) A delegation under subsection (2)
 - (a) may be cancelled,
 - (b) does not prevent the administrator from carrying out the delegated function or duty or exercising the delegated power, and
 - (c) may be subject to the terms the administrator considers appropriate.

Agreement to obtain information

- 5.1 The minister may, for the purpose of administering or enforcing this Act as it relates to tobacco, enter into an agreement to collect information obtained under the *Tobacco Tax Act*.

Reporting convictions to the administrator

- 6 (1) A judge and every registrar, deputy registrar or clerk of any court must immediately send to the administrator a transcript, copy or record for each conviction made by the judge.
- (2) A transcript, copy or record sent to the administrator under subsection (1) is evidence of the conviction, appeal or proceedings to which it refers.

Administrative penalties

- 6.1 (1) Subject to the regulations, the administrator may make an order under subsection (2) if satisfied on a balance of probabilities that a person has contravened

- (a) a prescribed provision of this Act or of the regulations, or
- (b) an order of the administrator.

(2) The administrator, by order, may do one or both of the following:

- (a) impose a monetary penalty on the person, in accordance with the prescribed schedule of penalties;
- (b) prohibit the person, in accordance with the prescribed schedule of prohibition periods, from selling tobacco or vapour products or offering to sell tobacco or vapour products at retail
 - (i) from the location at which the contravention occurred, and
 - (ii) subject to the regulations, if the administrator is satisfied that it is in the public interest to do so, from any other location, if the person sells or offers to sell tobacco or vapour products at retail at more than one location.

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

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

- (3) Before making an order under this section, the administrator must provide the person with an opportunity to be heard.
- (4) For the purposes of imposing an increased administrative penalty for a second or subsequent contravention as prescribed within a 5 year period, the only question to be considered is the sequence of the orders imposing administrative penalties and no consideration may be given to the sequence of the contraventions or whether any contravention occurred before or after an order imposing an administrative penalty.
- (5) If the administrator makes an order under this section, the administrator must, in the prescribed manner, deliver to the person who is the subject of the order an administrative penalty notice in the prescribed form.

Administrative penalties as alternatives to offence proceedings

- 6.2** (1) If the administrator imposes an administrative penalty on a person, a prosecution for an offence under this Act may not be brought against the person for the same contravention that is the subject of the administrative penalty.
- (2) A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

Amount of monetary penalty

- 6.3** (1) A monetary penalty imposed under section 6.1 (2) (a) may not exceed \$5 000.
- (2) If a contravention referred to in section 6.1 (1) continues for more than one day, separate monetary penalties, each not exceeding the maximum permitted under subsection (1) of this section, may be imposed for each day the contravention continues.

Recovery of monetary penalty

- 6.4** (1) A person required to pay a monetary penalty must pay the penalty within 30 days of the date on which the notice referred to in section 6.1 (5) is delivered to the person.
- (2) If a person fails to pay a monetary penalty as required under subsection (1), the administrator may file with the Supreme Court or Provincial Court a certified copy of the administrative penalty notice imposing the penalty and, on being filed, the notice has the same force and effect, and all proceedings may be taken on the notice as if it were a judgment of that court.

Liability of employees, officers, directors or agents of corporations

6.5 If a corporation contravenes

- (a) a prescribed provision of this Act or the regulations, or
- (b) a prohibition order under section 6.1 (2) (b),

the administrator may impose a monetary penalty on an employee, officer, director or agent of the corporation who authorizes, permits or acquiesces in the contravention, whether or not a penalty is imposed on the corporation.

Limitation period

6.6 The time limit for proceeding under section 6.1 is 2 years after the date on which the contravention occurred.

Repealed

7-10 [Repealed 2006-10-7.]

Sign indicating prohibition order

10.1 If the administrator makes a prohibition order under section 6.1 (2) (b),

- (a) the person who is the subject of the order must, for the prohibition period, post a sign in the location to which the order applies stating that an order has been made prohibiting the sale of tobacco or vapour products, as applicable, at retail at that location,
- (b) the sign must be posted in accordance with and meet the requirements of the regulations, and
- (c) the administrator must publicize
 - (i) the name of the person who is the subject of the order,
 - (ii) the location to which the order applies,
 - (iii) the name under which business is conducted at the location, and
 - (iv) the content of the sign that is required to be posted under paragraph (a).

Reporting prohibition orders to director

10.2 If the administrator orders a prohibition period under section 6.1 (2) (b) that is longer than 14 days, the administrator must send a copy of the order to the director.

Removing tobacco or vapour products from public display

10.3 A person must not display

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

Power to make regulations

11 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

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

- (b) respecting the testing and analyzing of tobacco or vapour products that are sold, distributed, advertised or promoted in British Columbia;
- (c) requiring a manufacturer, distributor, wholesaler or retailer of tobacco or vapour products in British Columbia to submit samples for testing or analysis;
- (d) respecting the taking of samples and the seizure, detention, forfeiture and disposition of tobacco or vapour products in British Columbia;
- (e) specifying the content, form and manner of presentation of a warning that must be displayed with tobacco or vapour products at the time the tobacco or vapour products are offered for sale or are sold to a purchaser;
- (f) specifying the minimum number or amount of tobacco products that must be in a package if the package is to be sold, offered for sale, distributed, advertised or promoted to persons;
- (g) specifying the age for the purposes of section 2 (2);
- (h) exempting any tobacco or vapour product from all or any of the provisions of this Act or the regulations, and prescribing the conditions of an exemption;
- (h.1) specifying the size, content and form of a sign referred to in section 10.1 and the location where and manner in which the sign must be posted;
- (h.2) respecting
 - (i) the information that must be disclosed to the public or as provided under subparagraph (ii) by a manufacturer, distributor, wholesaler or retailer about
 - (A) the ingredients, additives or any other components of tobacco or vapour products,
 - (B) the emissions of tobacco or e-substances which arise or may arise from any use of tobacco or vapour products, and
 - (C) the health hazards and effects which arise or may arise from exposure by any means, whether voluntary or not, to tobacco or vapour products, or to the emissions of tobacco or e-substances,
 - (ii) the persons, entities or class or classes of persons or entities to whom the information must be disclosed, and
 - (iii) the content, form, manner and timing of the disclosure;
- (i) prescribing forms for the purposes of this Act and the regulations;
- (j) respecting administrative penalties, including the following:
 - (i) prescribing provisions of this Act or the regulations for which a contravention may result in the imposition of an administrative penalty;
 - (ii) establishing procedures to be followed by the administrator in providing an opportunity to be heard under section 6.1 (3), which need not entail an oral hearing, and establishing evidentiary rules respecting opportunities to be heard;
 - (iii) establishing consequences for failing to appear or provide submissions, as applicable, on an opportunity to be heard under section 6.1 (3), which may include, but are not limited to, proceeding in the absence of the person who fails to appear or without their submission, as applicable;
 - (iv) prescribing, in relation to a contravention under section 6.1 (1), whether an administrative penalty may be imposed if the person who committed the contravention demonstrates to the satisfaction of the administrator that the person exercised due diligence to prevent the contravention;
 - (v) prescribing a schedule of penalties for the purposes of section 6.1 (2) (a) and the matters to be considered by the administrator in imposing a monetary penalty in a particular case;
 - (vi) prescribing a schedule of prohibition periods for the purposes of section 6.1 (2) (b) and the matters to be considered by the administrator in imposing a prohibition

- period in a particular case;
 - (vii) prescribing the form of notice and manner for delivery of an administrative penalty notice under section 6.1 (5);
 - (viii) establishing consequences for failing to pay a monetary penalty, which may include, but are not limited to, imposing additional penalties;
 - (ix) prescribing the manner and method for paying a monetary penalty;
 - (k) prescribing documents that may be used for proof of age.
- (3) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as contemplated in sections 2.1 to 2.41, and for the purposes of those sections the Lieutenant Governor in Council may make regulations as follows:
- (a) defining a word or phrase;
 - (b) exempting persons or places, or parts of places, from all or part of those sections, with or without conditions;
 - (c) prescribing persons or organizations, including by class;
 - (d) prescribing places, including
 - (i) by class or use, and
 - (ii) a private place;
 - (e) prescribing purposes as contemplated under sections 2.2 (3) (b), 2.21 (3) (a) (ii) and 2.3 (2) (b);
 - (f) prescribing products or devices for the purposes of section 2.41.
- (4) For the purposes of subsection (3), different regulations may be made for different persons, places or things.
- (5) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations prescribing products or devices as e-cigarettes.
- (6) A regulation made under subsection (3) (f) may adopt by reference, in whole or in part and with any changes the Lieutenant Governor in Council considers appropriate, a regulation, code, standard or rule
- (a) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or
 - (b) set by a provincial, national or international body or any other body that may make codes, standards or rules.
- (7) Unless otherwise stated, a code, standard or rule referred to in subsection (6) is adopted as amended from time to time.

Offences

- 12** (1) A person who contravenes any of sections 2 to 2.4, 3 (4) or 10.1 (a) or (b), an order under section 6.1 (2) (b), or a regulation made under section 11 (2) (a), (c), (e) or (h.2) or (3) commits an offence and is liable on conviction
- (a) for a first offence to a fine of not more than \$2 500 or to imprisonment for a term not exceeding 3 months, or to both the fine and imprisonment, and
 - (b) for a subsequent offence to a fine of not more than \$5 000 or to imprisonment for a term not exceeding 6 months, or to both the fine and imprisonment.
- (2) If a corporation commits an offence under subsection (1) and an officer, director, employee or agent of the corporation directed, authorized, assented to, acquiesced in or participated in the commission of the offence, that individual also commits and is liable to the penalties for that offence.
- (3) If an officer, director, employee or agent of a corporation commits an offence under subsection (1) while acting on behalf of the corporation, the corporation also commits and is liable to the

penalties for that offence.

- (4) For the purposes of subsection (3), a corporation has the burden of proving that an officer, director, employee or agent of the corporation was not acting on behalf of the corporation at the time that individual committed an offence under this Act.
- (5) No proceeding for an offence under this section may be commenced after 12 months from the date the cause of action arises.
- (6) [Repealed 2007-12-6.]
- (7) A person who continues an offence under this Act on more than one day is liable to be convicted for a separate offence for each day on which the offence is committed.

Offence Act

12.1 Section 5 of the *Offence Act* does not apply to this Act.

Injunction

13 In addition to the penalties provided in section 12, the Attorney General may apply to the Supreme Court for an injunction against any person who, having been convicted of an offence against this Act, continues to contravene this Act or the regulations, ordering the person to cease dealing in, selling, distributing, advertising or promoting the use of tobacco or vapour products in British Columbia until the person complies with this Act or the regulations.

B.C. Reg. 232/2007
O.C. 478/2007

Deposited June 21, 2007
effective September 1, 2007

This consolidation is current to March 13, 2018.

[Link to Point in Time](#)

Tobacco and Vapour Products Control Act

TOBACCO AND VAPOUR PRODUCTS CONTROL REGULATION

[includes amendments up to B.C. Reg. 149/2016, September 1, 2016]

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Part 1 – Definitions and Prohibitions

Division 1 – Definitions

Definitions

1 In this regulation:

"**Act**" means the *Tobacco and Vapour Products Control Act*;

"**dealer**" means a dealer under section 1 of the *Tobacco Tax Act*;

"**minor**" means a person who is under 19 years of age;

"**point of sale system**" means a digital, electric, manual or mechanical system for calculating and recording sales transactions;

"**retail establishment**" means the location at which a retailer deals in, sells, offers to sell or distributes tobacco or vapour products.

[am. B.C. Reg. 149/2016, App. 1, ss. 2 and 3.]

Division 2 – General Prohibitions

Minimum age of 19 years

2 The age for the purposes of section 2 (2) of the Act is 19 years.

Prescribed forms of identification

3 The following forms of identification are prescribed for the purposes of section 2 (2.1) (a) of the Act:

(a) a passport;

(b) a driver's licence that displays a photograph and the date of birth of the holder;

(c) an identification card, issued by a government agency, that displays a photograph and the date of birth of the holder.

Minimum package size

4 The minimum number of cigarettes that must be in a package if the package is to be sold, offered for sale, distributed, advertised or promoted to persons is 20.

Division 3 – Specific Prohibitions

Definitions respecting where tobacco and vapour product not to be sold

4.1 For the purposes of section 2.1 of the Act:

"**building or structure**" includes part of a building or structure;

"campus" means property or part of a property that is

- (a) owned or leased by, or operated under the authority of, a public university or other public post-secondary institution, and
- (b) used primarily for the purposes of
 - (i) delivering educational programs or other learning programs,
 - (ii) research,
 - (iii) providing student services, or
 - (iv) providing services by affiliated student organizations,

and includes real property and improvements, personal property and, if the property includes common areas between improvements, the common areas;

"public body" means the following bodies:

- (a) a municipality;
- (b) a regional district;
- (c) the trust council, the executive committee, a local trust committee and the trust fund board, as these are defined in the *Islands Trust Act*;
- (d) a library board as defined in the *Library Act*;
- (e) any board, committee, commission, panel, agency or corporation that is created or owned by a body referred to in paragraphs (a) to (d) and all the members or officers of which are appointed or chosen by or under the authority of that body;
- (f) the Park Board referred to in section 485 of the *Vancouver Charter*.

[en. B.C. Reg. 394/2007, s. 3.]

Exemptions respecting where tobacco and vapour products not to be sold

4.11 The following classes of places are exempt from section 2.1 of the Act:

- (a) land, or a building or structure, that is used by health care providers to deliver health care services, but is not owned or leased by a regional health board under the Health Authorities Act;
- (b) space in a building or structure that is leased by
 - (i) the government, or
 - (ii) a Crown corporation or agency,but is sub-leased to a person who is not government or a Crown corporation or agency;
- (c) a building or structure that is owned or leased for investment purposes by a Crown corporation or agency, but is not used in conjunction with delivering a public service.

[en. B.C. Reg. 394/2007, s. 3.]

Interpretation respecting no smoking or vapour product use in or near certain places

- 4.2** (1) For the purposes of section 2.3 of the Act, a **"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) If a workplace is located in a private dwelling, section 2.3 of the Act applies during any period in which a person performs services in return for compensation.
- (3) For the purposes of section 2.3 of the Act, a building, structure, vehicle or any other place is fully or substantially enclosed if
- (a) it has a roof or other covering, and

(b) more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it.

(4) For the purposes of subsection (3), the "**nominal wall space**" is the area determined by calculating the length, in metres, of the perimeter of the building, structure, vehicle or place, and multiplying it by 2.7 metres.

[en. B.C. Reg. 394/2007, s. 3.]

Other places where smoking or vapour product use not permitted

4.21 For the purposes of section 2.3 (1) (a) (iii) of the Act, the following places are prescribed as places in which a person must not smoke tobacco, hold lighted tobacco, use an e-cigarette or hold an activated e-cigarette:

- (a) common areas of apartment buildings, condominiums and dormitories;
- (b) transit shelters.

[en. B.C. Reg. 394/2007, s. 3; am. B.C. Reg. 149/2016, App. 1, s. 4.]

No smoking or vapour product use near doorways, windows or air intakes

4.22 (1) For the purposes of section 2.3 (1) (b) of the Act, the prescribed distance from a doorway, window or air intake in which a person must not smoke tobacco, hold lighted tobacco, use an e-cigarette or hold an activated e-cigarette, is 6 metres.

(2) A transit shelter is exempt from section 2.3 (1) (b) of the Act.

(3) A patio used in conjunction with a public place is exempt from section 2.3 (1) (b) of the Act if all of the following conditions are met:

- (a) the predominant use of the public place is
 - (i) to sell either food or beverages, or both, including alcoholic beverages, or
 - (ii) as a casino or bingo hall;
- (b) the patio is not fully or substantially enclosed within the meaning of section 4.2 (3) of this regulation;
- (c) any doorway between the patio and the public place is closed at all times while the patio is in use, except when used for entering or exiting the patio;
- (d) any window or air intake between the patio and the public place is closed at all times while the patio is in use.

(4) A manager, owner or lessee of, or an employer at, a public place is exempt from liability under section 2.3 (3) or (4) of the Act, as applicable, in respect of any portion of the 6 metre area described in subsection (1) of this section over which the manager, owner, lessee or employer has no control, if a person smokes tobacco, holds lighted tobacco, uses an e-cigarette or holds an activated e-cigarette within that portion but that person is not

- (a) in the control of the manager, owner or lessee, or
- (b) an employee of the employer.

[en. B.C. Reg. 394/2007, s. 3; am. B.C. Reg. 149/2016, App. 1, s. 5.]

Exemptions from smoking and vapour product use bans

4.23 (1) In this section, "**person in care or resident**" means a person who is

- (a) a person in care or a resident within the meaning of the *Community Care and Assisted Living Act*, or
- (b) a patient of
 - (i) a hospital providing extended care within the meaning of paragraph (c) of the definition of "hospital" in section 1 of the *Hospital Act*, or
 - (ii) a private hospital within the meaning of Part 2 of that Act.

(2) The following persons are exempt from section 2.3 (1) (a) of the Act:

- (a) a person in care or resident who smokes tobacco, holds lighted tobacco, uses an e-cigarette or holds an activated e-cigarette, in a room designated for tobacco or vapour product use within a community care facility, assisted living residence or hospital;
- (b) a person who is registered as a guest under the *Hotel Guest Registration Act*, if the guest is smoking tobacco, holding lighted tobacco, using an e-cigarette or holding an activated e-cigarette, in the room or building in which the guest and the guest's party, if any, have been assigned exclusive accommodation;
- (c) a person who uses an e-cigarette or holds an activated e-cigarette within the premises at which a retailer deals in, sells, offers to sell or distributes vapour products, if
 - (i) no minors are permitted in the premises,
 - (ii) the premises are fully enclosed such that no vapour may escape to an adjacent premises or to a public area outside the premises,
 - (iii) the person
 - (A) is the retailer or an employee of the retailer who holds an activated e-cigarette only to demonstrate the safe and proper use of the e-cigarette, or
 - (B) uses an e-cigarette or holds an activated e-cigarette only to sample an e-substance that, if purchased, will be consumed off the premises, and
 - (iv) no more than 2 persons are, at the same time, using an e-cigarette or holding an activated e-cigarette for the purpose of sampling an e-substance.

[en. B.C. Reg. 394/2007, s. 3; am. B.C. Reg. 149/2016, App. 1, s. 6.]

Repealed

4.3 Repealed. [B.C. Reg. 149/2016, App. 1, s. 7.]

Limits on advertising

4.31 (1) A retailer must not, on the premises of a retail establishment, display tobacco or vapour products, or advertise or promote the use of tobacco or vapour products, in any manner by which the tobacco or vapour products or the advertisement or promotion

- (a) may reasonably be seen or accessed by a minor inside the retail establishment, or
- (b) are clearly visible to a person outside the retail establishment.

(2) For the purposes of subsection (1), "**advertise or promote the use of tobacco or vapour products**" means to advertise or promote the use of tobacco or vapour products by any means, including by

- (a) displaying on a sign, video, clothing or other tangible object
 - (i) the name of a brand or manufacturer of tobacco or vapour products,
 - (ii) an abbreviation or other thing that would reasonably identify the name of a brand or manufacturer of tobacco or vapour products, or
 - (iii) a graphic, design or symbol that is commonly associated with the name of a brand or manufacturer of tobacco or vapour products, or
- (b) making available any sign, video, clothing or other tangible object that displays any of the things set out in paragraph (a).

[en. B.C. Reg. 394/2007, s. 3; am. B.C. Reg. 149/2016, App. 1, s. 8.]

Some signs permitted

4.32 (1) Despite section 4.31, a retailer may advertise within the premises of a retail establishment the types of tobacco and vapour products for retail by means of a sign that meets all of the following criteria:

- (a) the sign must not be larger than 968 cm²;

- (b) the background of the sign must be white only;
- (c) the text of the sign must be black only;
- (d) the letters in the text of the sign must not be higher than 5 cm;
- (e) except for the "\$" symbol in front of a price, the sign must not contain any graphic or design, or any symbol that is not an alpha-numeric character;
- (f) the sign must not include the name of a brand or manufacturer of tobacco or vapour products;
- (g) the sign must not include any abbreviation, or other thing that would reasonably identify the name of a brand or manufacturer of tobacco or vapour products;
- (h) the sign may advertise only
 - (i) the types of tobacco and vapour products for sale, and
 - (ii) the prices of, or a price range for, those types of tobacco and vapour products.

(2) In respect of the signs described in subsection (1), a retailer must not do any of the following:

- (a) have a sign that contravenes any of the requirements of subsection (1);
- (b) have more than 3 signs on the premises of the retail establishment, including more than one sign at each point-of-sale system.

[en. B.C. Reg. 394/2007, s. 3; am. B.C. Reg. 149/2016, App. 1, s. 9.]

Warning signs

- 5 (1) A dealer who sells or offers for sale tobacco, but not vapour products, must do both of the following:
- (a) display to purchasers the decal set out in Schedule 1;
 - (b) display to dealers and employees the decal set out in Schedule 1.1.
- (2) A dealer who sells or offers for sale vapour products, but not tobacco, must do both of the following:
- (a) display to purchasers the decal set out in Schedule 1.2;
 - (b) display to dealers and employees the decal set out in Schedule 1.3.
- (3) A dealer who sells or offers for sale both tobacco and vapour products must do both of the following:
- (a) display to purchasers the decal set out in Schedule 1.4;
 - (b) display to dealers and employees the decal set out in Schedule 1.5.
- (4) A dealer who operates a vending machine that sells tobacco or vapour products
- (a) must affix to the front of the vending machine the decal referred to in subsection (1) (a), (2) (a) or (3) (a), as applicable, and
 - (b) is not required to affix to the vending machine the decal referred to in subsection (1) (b), (2) (b) or (3) (b), as applicable.
- (5) A dealer must ensure that decals that must be displayed under this section
- (a) to purchasers are displayed in plain view to purchasers at the point and time of sale,
 - (b) to dealers or employees are displayed in plain view to the dealer or employee operating the point of sale system
 - (i) on or near the point of sale system, and
 - (ii) at the time of sale, and
 - (c) are not obscured by a sign, notice or any other thing that could make the decal less than fully visible.

[en. B.C. Reg. 149/2016, App. 1, s. 10.]

Part 2 — Administrative Penalties

Prescribed provisions of the Act and regulation

- 6 (1) The following provisions of the Act are prescribed for the purposes of sections 6.1 (1) (a) [*administrative penalties*] and 6.5 [*liability of employees, officers, directors or agents of corporation*] of the Act:
- (a) section 2 (2), (3) and (4) [*prohibitions*];
 - (a.1) section 2.4 [*prohibitions on display or promotion of tobacco and vapour products*];
 - (b) section 6.4 (1) [*recovery of monetary penalty*];
 - (c) section 10.1 [*sign indicating prohibition orders*];
 - (d) section 10.3 [*removing tobacco or vapour products from public display*].
- (2) The following provisions of this regulation are prescribed for the purposes of sections 6.1 (1) (a) and 6.5 of the Act:
- (a) section 4 [*minimum package size*];
 - (b) section 5 [*warning signs*].

[am. B.C. Reg. 394/2007, s. 5.]

Notice of administrative hearing

- 7 (1) The administrator must provide notice to a person that the administrator intends to conduct a hearing to determine whether the person has committed a contravention of the Act or regulations.
- (2) The notice under subsection (1) must be in writing and
- (a) describe the contravention alleged to have been committed,
 - (b) specify the date, place and time of the hearing, and
 - (c) advise the person that the administrator may proceed with the hearing and make an order imposing an administrative penalty if the person fails to appear or provide submissions, as applicable.
- (3) The notice must be delivered, at least 45 days before the time set for the hearing, by
- (a) personal delivery to the person alleged to have committed the contravention,
 - (b) registered mail to the person at that person's last known address,
 - (c) facsimile to the person, or
 - (d) personal service on another person working at the location where the contravention is alleged to have occurred.

Form of hearing

- 8 (1) Subject to subsection (2), the administrator may hold any combination of written, electronic and oral hearings.
- (2) The administrator may conduct all or part of a hearing in writing only after taking into consideration the views of the person who is the subject of the hearing with respect to proceeding in writing.

Failure to appear

- 9 If a person who has been served notice of an administrative hearing under section 7 fails to appear at a hearing or provide submissions, the administrator may proceed with the hearing and make an order imposing an administrative penalty on the person without further notice to that person.

Adjournments

- 10** (1) The administrator may adjourn a hearing on the request of the person who is the subject of the hearing, if the person satisfies the administrator that the adjournment is required to permit an adequate hearing to be held.
- (2) In considering whether an adjournment should be granted, the administrator must have regard to the following:
- (a) the reason for the adjournment;
 - (b) whether the adjournment would cause unreasonable delay;
 - (c) the impact on the person of refusing the adjournment;
 - (d) the impact of the adjournment on the public interest.

Information admissible in administrative hearings

- 11** (1) Subject to subsections (3) and (4), the administrator may receive and accept at a hearing information that the administrator considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law.
- (2) Despite subsection (1), the administrator may exclude anything unduly repetitious.
- (3) Nothing is admissible before the administrator that is inadmissible in a court of law because of a privilege under the law of evidence.
- (4) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

Defence of due diligence

- 12** A person must not be found to have contravened a provision of the Act or regulations prescribed under section 6 if the person demonstrates to the satisfaction of the administrator that the person exercised due diligence to prevent the contravention.

Factors to be considered in imposing administrative penalties

- 13** (1) In imposing an administrative penalty on a person for a contravention of a prescribed provision of the Act or regulations, the administrator must consider the following factors:
- (a) whether an enforcement officer has given the person a prior written warning concerning the conduct that is the subject matter of the penalty;
 - (b) whether the person has an ownership interest in the business carried on at the location where the contravention occurred;
 - (c) in respect of a breach of section 2 (2) or (3) or 2.4 of the Act or section 4 of this regulation,
 - (i) whether the person is an employee or agent of the owner, and
 - (ii) if the person is an employee, whether and to what extent the owner or a person retained by the owner to operate the business provides training and monitoring of the person with respect to the sale of tobacco or vapour products, as applicable;
 - (d) in respect of a breach of section 2 (4), 10.1 or 10.3 of the Act, whether the person has knowledge of the prohibition order;
 - (e) any other matter the administrator considers relevant to the imposition of a penalty.
- (2) In determining, under section 6.1 (2) (b) (ii) of the Act, if it is in the public interest to prohibit a person from selling tobacco or vapour products, as applicable, at retail from a location other than the location at which the contravention occurred, the administrator must consider all of the following:
- (a) previous enforcement actions for contraventions of a similar nature by the person;
 - (b) whether the contravention was repeated or continuous;
 - (c) whether the contravention was deliberate;

- (d) the person's efforts to correct the contravention;
 - (e) any other matter the administrator considers relevant to the public interest.
- (3) If a person who commits a contravention is a franchisee, the administrator must not impose a prohibition order on another location operated independently at arm's length from the person by another franchisee of the same franchisor.

[am. B.C. Regs. 394/2007, s. 6; 149/2016, App. 1, s. 11.]

Monetary penalties

- 14** For a contravention of a provision referred to in Column 2 of Schedule 2, the range of monetary penalties set out opposite that provision in Column 3 may be imposed.

Prohibition periods

- 15** For a contravention of a provision referred to in Column 2 of Schedule 3, the range of prohibition periods set out opposite that provision in Column 3 may be imposed.

First, second and subsequent contraventions

- 16** For the purposes of Schedules 2 and 3,
- (a) a contravention is of the same type as another contravention if each contravention is described by the same item of the Schedule, and
 - (b) a contravention by a person is
 - (i) a first contravention if the contravention was committed at or in respect of a location and the person has not committed a contravention of the same type at or in respect of that location within the 60 month period preceding the commission of the contravention,
 - (ii) a second contravention if the contravention was committed at or in respect of a location and the person committed one contravention of the same type at or in respect of that location within the 60 month period preceding the commission of the contravention, and
 - (iii) a subsequent contravention if the contravention was committed at or in respect of a location and the person has committed a second contravention of the same type at or in respect of that location within the 60 month period preceding the commission of the contravention.

Payment of monetary penalty

- 17** A person who is required by an order made under section 6.1 (2) of the Act to pay a monetary penalty must pay the penalty by cheque, money order or any form of electronic payment or transfer of funds, payable to the Minister of Finance, mailed to the administrator at the address indicated in the administrative penalty notice.

[am. B.C. Reg. 149/2016, App. 1, s. 12.]

Administrative penalty notice

- 18** (1) If the administrator, after providing a person the opportunity to be heard, makes an order imposing an administrative penalty on the person, then the administrator must, no later than 45 days after the date of the hearing, deliver an administrative penalty notice to the person made in accordance with subsection (2) by
- (a) registered mail or facsimile,
 - (b) personal delivery to the person, or
 - (c) personal delivery of a copy of the notice to another person working at the location where the contravention occurred.

- (2) An administrative penalty notice must include at least the following information:

- (a) the name and address of the person subject to the administrative penalty;
- (b) the date on which the hearing with respect to the imposition of the administrative penalty occurred;
- (c) a description of the contravention that was the subject of the hearing;
- (d) the administrative penalty imposed on the person after the hearing;
- (e) if a monetary penalty was imposed, a statement that the penalty may be paid by cheque, money order or any form of electronic payment or transfer of funds;
- (f) if a prohibition order was imposed,
 - (i) the location or locations to which the order applies, and
 - (ii) the dates on which the prohibition period begins and finishes.

[am. B.C. Reg. 149/2016, App. 1, s. 13.]

Signs indicating prohibition order

19 (1) Each dealer on whom a prohibition order has been imposed under section 6.1 (2) (b) of the Act must ensure that a sign described in subsection (2) and issued by the minister is posted at

- (a) each place where a tobacco or vapour product, as applicable, was displayed for sale at the location identified in the order, or
- (b) each entrance to the location identified in the order.

(2) Each sign referred to in subsection (1) must

(a) contain the following:

- (i) the address of the location;
- (ii) the dates on which the prohibition period commences and expires;
- (iii) if the prohibition is in respect of tobacco and based on at least one contravention of section 2 (2) of the Act, a sign in the form set out in Schedule 5;
- (iv) if the prohibition is in respect of a vapour product and based on at least one contravention of section 2 (2) of the Act, a sign in the form set out in Schedule 6;
- (v) if the prohibition is in respect of tobacco and not based on at least one contravention of section 2 (2) of the Act, a sign in the form set out in Schedule 7;
- (vi) if the prohibition is in respect of a vapour product and not based on at least one contravention of section 2 (2) of the Act, a sign in the form set out in Schedule 8, and

(b) Repealed. [B.C. Reg. 149/2016, App. 1, s. 14 (b).]

(c) not be obscured by a sign, notice or any other thing that could render a sign referred to in subsection (1) less than fully visible to any person.

[am. B.C. Reg. 149/2016, App. 1, s. 14.]

Schedule 1

[en. B.C. Reg. 149/2016, App. 1, s. 15.]


19 Government ID with a photo and birth date must be shown when requested.
You must be 19 or older to purchase TOBACCO.

 BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 1.1

[en. B.C. Reg. 149/2016, App. 1, s. 16.]


19 It is **ILLEGAL** to give or sell TOBACCO to anyone under 19 years of age.
Valid photo ID may be required.

 BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 1.2

[en. B.C. Reg. 149/2016, App. 1, s. 16.]

19 Government ID with a photo and birth date must be shown when requested.
You must be 19 or older to purchase VAPOUR PRODUCTS.

 BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 1.3

[en. B.C. Reg. 149/2016, App. 1, s. 16.]

19

It is **ILLEGAL** to give or sell **VAPOUR PRODUCTS** to anyone under 19 years of age.

Valid photo ID may be required.

BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 1.4

[en. B.C. Reg. 149/2016, App. 1, s. 16.]

19

Government ID with a photo and birth date must be shown when requested.

You must be 19 or older to purchase **TOBACCO** or **VAPOUR PRODUCTS**.

BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 1.5

[en. B.C. Reg. 149/2016, App. 1, s. 16.]

19

It is **ILLEGAL** to give or sell **TOBACCO** or **VAPOUR PRODUCTS** to anyone under 19 years of age.

Valid photo ID may be required.

BRITISH COLUMBIA
Tobacco and Vapour Products Control Act

Schedule 2

[am. B.C. Reg. 394/2007, s. 7.]

Monetary Penalties

Column 1	Column 2	Column 3		
Item	Contravention	Monetary Penalty		
		First	Second	Subsequent

		Contravention	Contravention	Contravention
	Minors			
1	Breach of section 2 (2) [selling or offering to sell tobacco or vapour products to an individual who is under 19 years of age] of the Act	\$0 - \$1 000	\$0 - \$3 000	\$0 - \$5 000
	Tobacco product packages			
2	Breach of section 2 (3) [selling or offering to sell tobacco products from opened package] of the Act	\$0 - \$1 000	\$0 - \$3 000	\$0 - \$5 000
3	Breach of section 4 [failure to comply with minimum package size of 20 cigarettes] of this regulation	\$0 - \$3 000	\$1 000 - \$4 000	\$4 000 - \$5 000
	Selling from prohibited location			
4	Breach of section 2 (4) [selling or offering to sell tobacco or vapour products from location to which prohibition order applies] of the Act	\$0 - \$1 000	\$0 - \$3 000	\$0 - \$5 000
	Advertising			
4.1	Breach of section 2.4 [displaying tobacco or vapour products, or advertising or promoting tobacco or vapour product use, in a manner prohibited by the regulations] of the Act	\$0 - \$3 000	\$1 000 - \$4 000	\$4 000 - \$5 000
	Posting signs			
5	Breach of section 10.1 [failure to post sign indicating prohibition order] of the Act	\$0 - \$3 000	\$1 000 - \$4 000	\$4 000 - \$5 000
6	Breach of section 5 [failure to post warning signs] of this regulation	\$0 - \$1 000	\$1 000 - \$3 000	\$3 000 - \$4 000

Schedule 3

[am. B.C. Reg. 394/2007, s. 8.]

Prohibition Periods

Column 1	Column 2	Column 3		
Item	Contravention	Prohibition Period (days)		
		First Contravention	Second Contravention	Subsequent Contravention
	Minors			
1	Breach of section 2 (2) [selling or offering to sell tobacco or vapour products to an individual who is under 19 years of age] of the Act	0 - 30	0 - 90	0 - 180
	Tobacco product packages			
2	Breach of section 2 (3) [selling or offering to sell tobacco products from opened package] of the Act	0 - 30	0 - 90	0 - 180
3	Breach of section 4 [failure to comply with minimum package size of 20 cigarettes] of this regulation	0 - 30	30 - 90	90 - 180
	Selling from prohibited location			
4	Breach of section 2 (4) [selling or offering to sell tobacco or vapour products from location to which prohibition order applies] of the Act	0 - 30	0 - 90	0 - 180
	Advertising			
4.1	Breach of section 2.4 [displaying tobacco or vapour products, or advertising or promoting tobacco or vapour product use, in a manner prohibited by the regulations] of the Act	0 - 30	30 - 90	90 - 180
	Failure to pay monetary penalty			
5	Breach of section 6.4 (1) [failure to pay monetary penalty within 30 days] of the Act	0 - 30	0 - 90	0 - 180
	Posting signs			
6	Breach of section 10.1 [failure to post sign indicating prohibition order] of the Act	0 - 30	30 - 90	90 - 180

7	Breach of section 5 [failure to post warning signs] of this regulation	0 - 30	30 - 90	90 - 180
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Schedule 4

Repealed. [B.C. Reg. 149/2016, App. 1, s. 17.]

Schedule 5

[en. B.C. Reg. 149/2016, App. 1, s. 17.]



Schedule 6

[en. B.C. Reg. 149/2016, App. 1, s. 17.]



Schedule 7

[en. B.C. Reg. 149/2016, App. 1, s. 17.]



Schedule 8

[en. B.C. Reg. 149/2016, App. 1, s. 17.]



[Provisions relevant to the enactment of this regulation: *Tobacco and Vapour Products Control Act*, R.S.B.C. 1996, c. 451, section 11]



City of Vernon

***CLEAN INDOOR AIR
AND SMOKING
REGULATIONS
BYLAW***

#3422

Consolidated for Convenience

Attachment 4

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3422

AMENDMENTS

BYLAW NO.	DATE	AMENDMENT
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Attachment 4

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Attachment 4

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3422

A bylaw to promote clean indoor air by prohibiting
or regulating smoking

WHEREAS it has been determined that second-hand tobacco smoke (inhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard and discomfort for many inhabitants of the City of Vernon;

AND WHEREAS, pursuant to Section 692 of the Municipal Act, R.S.B.C. 1979, Chapter 290, Council may, by bylaw, subject to the Health Act, regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health of the inhabitants of the City of Vernon;

AND WHEREAS the approval of the Minister of Health is necessary for any bylaw adopted pursuant to Section 692 of the Municipal Act, R.S.B.C. 1979, Chapter 290;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the City of Vernon to have clean indoor air by prohibiting or regulating smoking, or both, in the City of Vernon as in this bylaw more particularly set out;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- (a) "Bank" includes credit union, trust company, savings or loan company or other financial institution.
- (b) "Council" means the Municipal Council of The Corporation of the City of Vernon.

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- (c) "Government Office" means an office of the Government of Canada, the Government of the Province of British Columbia, a regional district, or any municipality.
- (d) "Licence Inspector" means a person appointed by the Municipal Council of The Corporation of the City of Vernon.
- (e) "Medical Health Officer" means the Medical Health Officer appointed under the Health Act to act within the limits of the jurisdiction of the local Board of Health for the City of Vernon.
- (f) "Personal Services Establishment" means an establishment 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 parlor, health spa, massage parlor, tattoo shop, sauna and steam bath.
- (g) "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.
- (h) "Private Social Function or Clubs, Lodges and Associations" 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.
- (i) "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.

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- U) "Reception Area" means the public space used by an office or establishment for the receiving and greeting of customers, clients or other persons dealing with such office or establishment.

- (k) "Restaurant" means any food premises as defined in the "British Columbia Regulations Governing 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.

- (l) "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 the sale of tobaccos, pipes, cigars or smokers' sundries.

- (m) "Service Line" means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to sales, provision of information, transactions or advice, and transfers of money or goods.

- (n) **"Smoke" or "Smoking"** means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other **Smoking** equipment, that burns or vaporizes, tobacco, marijuana or any other substance.

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 restroom; or a part of the retail shop used as offices by members of the staff.

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PAGE4 BYLAW

NUMBER 3422

- (b) The proprietor of every retail store shall ensure the 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 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. **HOSPITALS AND HEALTH CLINICS**

- (a) No person shall smoke in a hospital or health clinic except in any portion thereof designated as a smoking area by the hospital or health clinic authorities.
- (b) The proprietor of every hospital 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 Section 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 a 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; nor
 - (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.

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- (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 (c)(i), the proprietor of a restaurant may designate non-smoking areas in the restaurant.
- {c) Where a non-smoking area is designated:
 - (i) The non-smoking area shall be not less than twenty-five percent (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.

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 percent (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 in Section 13 hereof, or other-wise 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 & INSIDE STAIRWAYS**

- (a) No person shall smoke in an elevator, on an escalator or on a stairway within the confines of 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 to as to apply clearly to the area regulated by Subsection 9(a).

10. **BUSES**

No person shall smoke on a school or public bus.

11. **SERVICE LINES**

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

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12. 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. 3.0 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. more than 48.8 metres (160 feet), letter height of not less than 20.32 centimetres (8 inches).
- (c) Include in the text at the bottom of each sign "Bylaw No. 3422, 1986" in letters not less than 0.64 centimetres (1/4 inch) in height for all signs.

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- (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 "Bylaw No. 3422, 1986" in letters and figures at least 0.64 centimetres (1/4 inch) in 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.
- (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) 3.0 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) more than 48.8 metres (160 feet), a size of not less than 61.0 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.

13. 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 12, prominently displayed so as to be clearly visible from all points to which such no smoking applies.

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BYLAW NUMBER 3422

- (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 12(b)(ii) and (iii).
- (c) This bylaw shall not apply to a private social function.

14. INSPECTION OF PREMISES

The Medical Health Officer and/or Licence Inspector or their appointed representative, shall have the right of entry and may enter onto any land or into any building at all reasonable hours in order to inspect the same and ascertain whether the provisions of this bylaw are being or have been carried out. Any person interfering with or obstructing the entry of any such official or employee of the City of Vernon onto any such land or into any such building to which said entry is made or attempted, pursuant to the provisions of this Section of the bylaw, shall be deemed to be guilty of infraction of this bylaw and liable to a penalty of not more than \$500.00.

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 in this bylaw, shall be prominently displayed 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 \$500.00.

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- (c) No person shall smoke in any place or area designed 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 \$500.00 for the first offence; not less than \$75.00 and not more than \$500.00 for the second offence; and not less than \$150.00 and not more than \$500.00 for the third and subsequent offences.

- 17. This bylaw may be cited as the "Clean Indoor Air and Smoking Regulations Bylaw Number3422, 1986".

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BYLAW NUMBER 3422

READ A FIRST TIME this 17th day of November, 1986.

READ A SECOND TIME this 17th day of November, 1986.

READ A THIRD TIME this 17th day of November, 1986.

APPROVED by the Minister of Health this 30th day of January, 1987.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 16th day of February, 1987.

"M. Anne Clarke"

Mayor:

"M.J. Bailey"

City Clerk:



City of Vernon

**PARKS and
PUBLIC
PLACES
BYLAW**

#5057

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5057

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5334	October 11, 2011	<p>AMEND the <u>Interpretation</u> section of the bylaw, to DELETE section '(c) "bylaw offence notice"</p> <p>AMEND the <u>Parking and Traffic Control</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"> • ADD NEW section '(g)' referencing licenced vehicles in parks • AMEND section '(h)' to add reference to Bylaw Enforcement Officers and to remove reference to a 'bylaw offence notice' • AMEND section '(i)' to add reference to Bylaw Enforcement Officers, • AMEND section '(j)' to improve wording • DELETE section '(k)' regarding issuance of a 'bylaw offence notice' • AMEND section '(l)' to remove reference to a 'bylaw offence notice' • DELETE section '(q)' outlining penalties for infractions in section 4 as • AMEND section '(o)' to correct reference to the City's Traffic Bylaw. <p>AMEND the <u>Animal Control</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none"> • AMEND section (a) to improve wording and rename as subsection (i),

Bylaw Number 5057

		<ul style="list-style-type: none">• ADD NEW section (a)(ii) regarding dogs in park. <p>AMEND the <u>Safe Use of Public Places</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none">• REPLACE subsection (g) with NEW subsection (g). <p>AMEND subsection 15. of the <u>Public Nuisance</u> section of the bylaw, as follows:</p> <ul style="list-style-type: none">• ADD new subsection (n) regarding 'No Smoking' areas <p>AMEND subsection 18. of the <u>Seizure and Detention</u> section to amend section reference</p> <p>AMEND subsection 24. of the <u>Restriction of Access</u> section to amend Schedule reference</p> <p>ADD NEW section for <u>Obstruction</u></p> <p>AMEND the <u>Offence and Penalty</u> section of the bylaw as follows:</p> <ul style="list-style-type: none">• ADD NEW section 27. regarding enforcement by municipal ticket or bylaw notice\• ADD NEW section 29. regarding Court orders in accordance with the Community Charter <p>ADD NEW section 31. regarding legal remedies</p> <ul style="list-style-type: none">• AMEND and Renumber section 27. to amend penalty limits and to reference cost and incarceration <p>RENUMBER/RELETTER all sections, and subsections as required</p> <p>DELETE <u>Schedule A – Bylaw Offence Notice</u> and re-letter subsequent Schedules</p>
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Bylaw Number 5057

5476	February 11, 2014	<p>Amend <u>Section 2 – Interpretation</u> as follows:</p> <ul style="list-style-type: none"> • ADD new section (g) by adding reference to "dog park" • AMEND section (i) by dividing it into subsections and adding a subsection to reference "Justice Park" • AMEND section (j) to improve wording • AMEND section (l) by dividing it into subsections and adding a subsection to reference "Unoccupied areas of Crown Land contiguous to a watercourse" <p>Amend <u>Section 3 – Application</u> as follows:</p> <ul style="list-style-type: none"> • AMEND to improve wording • ADD <u>Section 3(a) – Management of Parks</u> • ADD <u>Sections 3(b) and (c) – General</u> <p>Amend <u>Section 6 – Animal Control</u> as follows:</p> <ul style="list-style-type: none"> • AMEND subsection (a)(i) to improve wording • ADD new subsections (a) (iii), (iv), and (v) <p>Amend <u>Section 15 – Public Nuisance</u> as follows:</p> <ul style="list-style-type: none"> • ADD new subsection (o)
5521	September 22, 2014	<ul style="list-style-type: none"> • AMEND Section 9 – <u>Safe Use of Public Places</u> to include provisions for liquor sampling at Farmers' Market
5573	September 28, 2015	<p>AMEND Offence and Penalty Section 29, change section 13 to 31.</p>
5637	August 14, 2017	<ul style="list-style-type: none"> • ADD NEW definitions for 'homeless person', 'temporary shelter' and 'traffic control device' • ADD NEW wording under Section 11. <u>Public</u>

Bylaw Number 5057

		<p><u>Nuisance</u></p> <ul style="list-style-type: none"> • ADD NEW Section 14. <u>Erecting Structures</u> • ADD reference to 'temporary shelter' to Section 17. <u>Seizure and Detention</u> • AMEND Section 20. <u>Hours of Operation</u> • HOUSEKEEPING changes including renumbering and title updates • ADD NEW Schedule B – Cenotaph Park – No Temporary Shelter(s) Location • ADD NEW Schedule C – Spirit Square/Civic Grounds – No Temporary Shelter(s) Location • ADD NEW Schedule D – Recreation Centre – No Temporary Shelter(s) • ADD NEW Schedule E – Kal Tire Place – No Temporary Shelter(s)
<p>5652</p>	<p>October 23, 2017</p>	<ul style="list-style-type: none"> • ADD NEW definition for 'dusk' • AMEND Section 14.b) in relation to the times that a temporary shelter may be erected and occupied

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5057

A Bylaw to Regulate Parks and Other Public Places

WHEREAS Council may, by bylaw, regulate, prohibit and impose requirements in relation to the management of services, public places, nuisances, disturbances and other objectionable situations;

AND WHEREAS Council wishes to regulate, prohibit and impose requirements in relation to City parks, recreation facilities, highways, and other public places;

NOW THEREFORE the City Council of the Corporation of the City of Vernon ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited for all purposes as "City of Vernon Parks and Public Places Bylaw 5057, 2007".

Interpretation

2. In this bylaw:
 - (a) "**boulevard**" means that portion of a highway between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent parcel line, and includes curbs, sidewalks or ditches;
 - (b) "**Bylaw Enforcement Officer**" means a member of the Royal Canadian Mounted Police, Vernon detachment, the Park Manager, or an individual designated as a Bylaw Compliance Officer by Council for the purpose of enforcing this bylaw;

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- (c) “**camping equipment**” includes portable cooking equipment, sleeping bags or rolls, mattresses, backpacks, packsacks, tents, tarps or lean-tos;
- (d) “**campsite**” includes any place of temporary abode where camping equipment is used;
- (e) “**controlled substance**” means a controlled substance as defined or described in Schedules I, II or III of the Controlled Drugs and Substances Act, 1996 chapter 19, as amended from time to time, but does not include a controlled substance permitted under that Act;
- (f) “**dog**” means an animal of the species canine over the age of three (3) months;
- (g) “**dog park**” means an area signed by the City as allowing dogs and that allows for the exercising, training, or companionship of dogs on or off leash (as signed) and equipped with collection bag dispensers and garbage receptacles; *(Bylaw 5476)*
- (h) “**dusk**” means the time one half hour after sunset, just before night; *(Bylaw 5652)*
- (i) “**hazardous materials**” means broken glass, hypodermic needles, or other material with edges sharp enough to break or puncture skin;
- (j) “**highway**” includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;
- (k) “**homeless person**” means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis *(Bylaw 5637)*;
- (l) “**park**” includes:
 - i) an area of land in respect of which the City holds an interest for park or for park and recreational purposes, whether because of bylaw dedication, gazetting, a trust, a right of reverter, a condition on title, a statutory or other restrictive covenant, subdivision dedication or

Bylaw Number 5057

otherwise, and includes areas of land owned, controlled or possessed by the City that are identified as "park" by signs posted by the City;

- ii) those parcels of land known as "Justice Park" and used by the public as a park, which are legally described as follows:

Lot 12-20 Block 10 Plan 327 Section 34 Township 9 Osoyoos
Division Yale District & Lots 35 to 37 & Plan M9268 & Lot 1 & 2
Plan 6242 *(Bylaw 5476)*

- (m) **"Park Manager"** means the individual appointed by Council as the Chief Administrative Officer (CAO), the deputy CAO, or any person designated by the CAO to act in the manager's place; *(Bylaws 5476, 5637)*
- (n) **"person"** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;
- (o) **"public place"** includes:
 - i) an area of land, including a highway or park, or improvement on the land, in respect of which the City holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings, areas around civic buildings, or areas developed for use on a highway;
 - ii) unoccupied areas of Crown Land contiguous to a watercourse. *(Bylaw 5476)*
- (p) **"road end"** means a portion of highway located between an intersecting highway and a natural lake or watercourse;

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- (q) **“temporary shelter”** means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square meters; *(Bylaw 5637)*
- (r) **“traffic control device”** means a sign, signal, line, metre, marking, place, barrier or device not inconsistent with the *Motor Vehicle Act*, placed or erected by authority of the City or a person authorized by Council under an enactment to exercise that authority; *(Bylaw 5637)*
- (s) **Smoke” or “Smoking”** means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other **Smoking** equipment, that burns or vaporizes, tobacco, marijuana or any other substance.
- (t) **“Transit Stop”** means a sign-posted location where public transit vehicles or Vehicles for Hire stop to pick up riders, and distances from a **Transit Stop** shall be measured from the sign that identifies the **Transit Stop** location.
- (u) **“vehicle”** means a conveyance for the carriage or transport of an individual, goods or materials, whether self-propelled or drawn or pulled by animals or any mechanical or muscular device or other motive power, and includes trailers, bicycles, tricycles, or motor vehicles such as motorcycles or snowmobiles.

Application

3. Except as otherwise provided in the bylaw, this bylaw does not apply to:
- (a) a provincially designated arterial highway, as defined in the *Highway Act*;
 - (b) land held by the Province as a park or public open place;
 - (c) land held by Regional District of North Okanagan as a park or public open place. *(Bylaw 5476)*

Management of Parks

3. (a) This bylaw shall regulate and control the use of all parks and public places within the City of Vernon.
 - (i) Council delegates their powers under section 15 of the Community Charter to the Park Manager. As per section 156 of the Community Charter, Council may overturn a delegated decision made under this section upon appeal or otherwise. *(Bylaw 5476)*

General

3. (b) The Park Manager may;
 - (i) designate certain areas of a park for a specific use and may prescribe certain rules and regulations for the use and may prescribe such times desired by the Parks Manager for such use;
 - (ii) issue written permission for any procession, march, drill, performance, ceremony, concert, gathering or meeting and may charge rent for the use of any park or portion thereof as set down in the current City of Vernon Recreation Services Fees and Charges Bylaw;
 - (iii) upon request, issue a special event or special occasion permit for such use, and such persons and vehicles as the Parks Manager permits, to enter or be in a specific park while or during such times as the park is closed, such permit shall be displayed or produced upon request to any Bylaw Enforcement Officer. *(Bylaw 5476)*
- (c) The Park Manager may temporarily close a park or any part thereof to the public use. *(Bylaw 5476)*

Parking and Traffic Control

4. (a) A person must not drive, park or leave standing a vehicle in a public place except in an area designated for that purpose by a traffic control device.
- (b) A person must not stop or park a vehicle in a parking place in a public place where a traffic control device indicates that place is reserved for a particular class of vehicle, except for that particular class of vehicle.
- (c) A person must not stop or park a vehicle on grass located in a public place unless a temporary or other traffic control device indicates a person may park a vehicle on the grass, or by approval of the park manager.
- (d) A person must not allow or permit a vehicle to obstruct traffic circulation on a public way located in a public place.
- (e) A person must not in a public place stop or park a vehicle within 5 metres of a fire hydrant.
- (f) A person must not in a public place stop or park a vehicle adjacent to a curb that is painted yellow.
- (g) Other than a vehicle operated by a park worker that does not leave the park, a person must not stop or park a vehicle in a park that does not display a valid and current licence plate issued for that vehicle.
- (h) The Park Manager or a **Bylaw Enforcement Officer** may remove, detain, or impound, at the owner's sole expense, a vehicle found in violation of a provision of this bylaw.

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- (i) Without limitation, the Park Manager or a **Bylaw Enforcement Officer** may seize a vehicle or other thing unlawfully occupying a portion of a public place.
- (j) Subject to sections 17 to 19, if a vehicle or other thing is seized under this bylaw, the owner must pay a fee in the amount of \$100.00 to the Park Manager before the owner may recover the vehicle or thing. If the owner:
 - i) refuses to pay;
 - ii) cannot be identified after reasonable efforts which may include advertisements in local papers; or *(Bylaw 5637)*
 - iii) has not recovered the vehicle or thing within 60 days of receiving written notice from the Park Manager that the vehicle or thing has been removed, detained or impounded by the City,

the Park Manager may dispose of the vehicle or thing by public auction and the City will retain the proceeds. Prior to the auction, the owner may recover the vehicle or thing that has been removed, detained or impounded by paying, at the place of business of the City or its agent where the vehicle or thing is located, the fees referred to in paragraph (i) and section 17.
- (k) A person, other than the owner or operator of a vehicle in respect of which a bylaw notice or Municipal Ticket Information has been issued, must not remove the bylaw notice or Municipal Ticket Information that has been placed or affixed on the vehicle by a Bylaw Enforcement Officer.
- (l) A person must not operate a motorized vehicle, including a motorcycle or snowmobile, in a public place, other than on a highway, not a road end, that has been opened to traffic by bylaw or has not been closed to traffic

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by bylaw, except to the extent an area of the public place is designated for that purpose by a traffic control device.

- (m) If a provision of this bylaw is inconsistent with a provision of the City's Traffic bylaw, as amended, the latter prevails.

Protection of Public Places

- 5. Unless expressly authorized by the Park Manager, a person must not deface, cut, remove, destroy or damage a tree, shrub, structure, building or other thing or any real or personal property in a public place, or destroy, deface or damage a traffic control device located in a public place.

Animal Control

- 6. (a)(i) A person must not take a dog into, or allow a dog to go into a park ,except where the park is a dog park and a City sign expressly authorizes dogs.
- (a)(ii) A person must not take a dog into a public place if a City sign expressly prohibits dogs from entering the area.
- (a)(iii) A person shall not take or allow more than four (4) dogs at one time into or upon a dog park
- (a)(iv)A person in a dog park must not have a dog off leash where a sign requires the dog to be on leash.
- (a)(v) No person may take a dog into a non-designated dog park, unless with permission of the Parks Manager or their designate, and in association with an approved event. *(Bylaw 5476)*
- (b) A person must not take a horse into, or permit a horse to enter into, a public place, except on an equestrian trail or other designated area where

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a City sign expressly authorizes horses, unless with permission of the Parks Manager or their designate. *(Bylaw 5637)*

Rubbish Disposal

7. A person must not:
 - (a) deposit or leave in a public place garbage or sewage, including without limitation all or part of bottles, tin cans, or other waste or debris, except in garbage or sewage receptacles expressly provided for the purpose of disposal.
 - (b) discard any hazardous material in a public place except in authorized receptacles for hazardous materials.

Fires

8. A person must not set, light or maintain a fire within a public place except in a fire pit constructed by the City for the purpose and in accordance with fire enactments of the City.

Safe Use of Public Places

9. (a) A person must not push or pull a person or engage in any other course of conduct which may cause or be likely to cause injury, harm or danger to a person in a public place, or on a diving tower, pier or wharf.
- (b) A person must not dive or jump from a diving tower, pier or wharf in a public place except from a diving board, platform or diving tower constructed by the City for that purpose and where this is permitted by a City sign.
- (c) A vehicle is not permitted on a pier or wharf in a public place.

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- (d) A person must not carry or discharge in a public place a firearm, including an air gun, air rifle, air pistol, spring gun, except for a Police Officer or Bylaw Enforcement Officer in the performance of his or her duty.
- (e) A person must not operate watercraft within an area of a lake or watercourse designated by the City by a sign for public swimming.
- (f) A person must not operate a watercraft adjacent to an area designated by the City by sign for public swimming in a manner that endangers, disturbs or interferes with the use of the swimming area by individuals.
- (g) A person must not:
 - (i.) consume or possess an open alcoholic beverage in a park or public place; unless consumed at a vending stall as a sample of wares from a wine, cider, beer or spirits manufacturer at an approved Farmers' Market allowed to operate from a park or public place.
 - (ii.) possess an alcoholic beverage in a park; unless the alcoholic beverage is possessed under and in accordance with a licence issued under the *Liquor Control and Licensing Act* and approved by the Royal Canadian Mounted Police and the Park Manager, or if purchased or obtained as a sample from a vending stall of a wine, cider, beer, or spirits manufacturer at an approved Farmers' Market allowed to operate from a park or public place and in the process of being transported to their premise. *(Bylaw 5521)*
- (h) A person must wear a helmet while riding a bicycle, skateboard or motorcycle within a public place.

Public Nuisance

10. A person must not use obscene or profane language in a public place.
11. No person shall make or cause to be made noise, vibration, odour, dust, illumination or undertake any activity that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a public place, including but not limited to failing to remove objects from the park that interfere with public park use. *(Bylaw 5637)*
12. Without limiting section 11, a person must not play or operate electronic equipment or an instrument or other apparatus for the amplification of sound in a public place in a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in a public place.
13. Unless otherwise authorized under section 14 of this Bylaw, no person shall at any time construct, install, erect, place or occupy in any Public Place a temporary shelter, structure, improvement or work of any nature, or sleep in a public place. *(Bylaw 5637)*

Erecting Structures

14. (a) Subject to Section 14(b), no person may erect, construct, or build, or cause to be erected, constructed, or built, in or on any Park any tent, building, shelter, pavilion, or other construction whatsoever without the prior written permission of the Parks Manager. In determining whether to grant permission, the Parks Manager may consider the matters set out in Section 15.
 - (b) Notwithstanding Section 14(a), where there is no accessible shelter accommodation available in the City, a Homeless Person may, without the

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prior written permission of the Parks Manager, as set out in Section 14(a), erect and occupy a Temporary Shelter in a Park, except in those Parks listed in Schedules "B", "C", "D" and "E" of this Bylaw, between the hours of dusk on one day and 9:00 a.m. of the following day, provided that the Homeless Person:

- (i) not erect the Temporary Shelter until **dusk** on one day; *(Bylaw 5652)*
- (ii) dismantle and pack up the Temporary Shelter from the Park prior to **9:00 a.m.** of the following day;
- (iii) comply with all other provisions of this Bylaw;
- (iv) not erect the Temporary Shelter in, on, within or attached to:
 - A. playgrounds, spray parks or pools;
 - B. horticultural display areas or ornamental gardens;
 - C. skateboard bowls, tennis courts or other sports courts;
 - D. sports fields, stadiums or dugouts;
 - E. stages or bleachers;
 - F. washroom facilities, picnic shelters, or gazebos;
 - G. areas of a Park that have otherwise been issued a permit pursuant to this Bylaw;
 - H. recreation facilities;
 - I. cemeteries;
 - J. pathways, bridges, docks, wharfs;
 - K. beaches;
 - L. sidewalks or boulevards.

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- c) The Parks Manager, or any officer, employee, or agent of the City may, in addition to any other authority granted under this Bylaw, remove or cause to be removed from any Park any Temporary Shelter that is not in compliance with this Bylaw.
 - (d) In order to ensure that public safety is maintained, and to ensure that individuals banned from shelter space due to behavioural issues may avail themselves of temporary shelter in a park or public space at times when shelter space may be available, the individual may be required by a Bylaw Enforcement Officer to provide a name to confirm identification with the shelter providers. *(Bylaw 5637)*
15. A person must not urinate or defecate in a public place except in a toilet facility provided by or on behalf of the City.
16. A person must not in a public place
- (a) construct, install, erect or place any structures, improvement or work of any nature;
 - (b) carry on any commercial activity or enterprise without a City Business Licence issued for the specific public place;
 - (c) place or display any work, character, sign or device designed to advertise any person, business, profession, group, association, article, thing, exhibition, matter or event, except on a public bulletin board provided for that purpose by the City;
 - (d) drive or station a vehicle on which is displayed advertising of any kind, or a vehicle equipped with a public address system;

Bylaw Number 5057

- (e) drive or park a vehicle in other than an approved or designated roadway or parking area as applicable;
- (f) ride, drive or herd livestock;
- (g) play or practice the game of golf or hit a ball with a golf club, except on a golf course;
- (h) carry on or permit to carry on an activity of a hazardous or unsafe nature which may cause injury, harm or damage to a person or structure in a public place;
- (i) cut, remove, alter, destroy or damage any tree or shrub or City property;
- (j) remove, cover or deface any City sign;
- (k) possess or use any explosive or explosive substance;
- (l) cause or permit any animal to roam at large, create a nuisance, injure another animal or an individual.
- (m) possess paraphernalia for the purposes of storing, transporting or using a controlled substance.
- ~~(n) ——— smoke or hold lighted tobacco products, or smoke or hold any other product designed to be lit and inhaled, in an area posted by signage as a "No Smoking" area.~~
- (o) create a nuisance by interfering with an approved event or rental occurring within an area of a park set aside for specific use through a permit issued under the authority of the Parks Manager. *(Bylaw 5476)*

17. No Person shall smoke:

- (a) in any Public Place;
- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park;

Seizure and Detention

18. The Park Manager, a Peace Officer, a Bylaw Enforcement Officer appointed by Council, a city officer or employee, or an agent of the City may remove from a public place a vehicle, camping equipment forming part of a temporary shelter or other item that contravenes this bylaw and deliver same to a place of safekeeping until it is returned to the owner or disposed of in accordance with this bylaw. *(Bylaw 5637)*
19. In addition to the fee set out in section 4(i), the following fees apply to removal, detention or impounding of vehicles or other items under this bylaw, and the owner must pay the City the fee prior to the return of the vehicle or other item:
- (a) in respect of each occasion that a person referred to in section 16 removes the vehicle or other item to a place of safekeeping, \$35.00; and
 - (b) for each day that the vehicle or other item is stored, \$2.50 per day to a maximum of \$75.00.
20. On the expiration of thirty days from the date a vehicle or other item is removed and detained, the City may sell the vehicle or other item at a public auction and recover on behalf of the City any fees accrued under section 4(i) and 17 from the proceeds of the sale. *(Bylaw 5637)*

Hours of Operation

21. Unless otherwise authorized under this Bylaw, no person shall be in any Public Place at any time between sunset on any one day, and sunrise on the following day. *(Bylaw 5637)*

Restriction of Access

22. A Bylaw Enforcement Officer may direct a person to leave a public place if that person is acting in contravention of this Bylaw, or any other enactment, including federal or provincial enactments respecting the use or possession of controlled substances, alcohol or other intoxicants.
23. Every person directed to leave a public place by a Bylaw Enforcement Officer must proceed immediately to the nearest exit point.
24. A Bylaw Enforcement Officer may issue to an individual person a Prohibition Order restricting access to a public place if the person is found in possession of a controlled substance or controlled substance paraphernalia, alcohol, or other intoxicants while in a public place, to an individual person who has been convicted of controlled substance offences committed while within City public places, or to an individual person who has been convicted of a contravention of a provision of this bylaw.
25. A Prohibition Order issued under section 22 applies for a term of three (3) months.
26. A Prohibition Order under section 22 shall be in the form of that attached as Schedule A.

Controlled Substances in Public Places

27. A person must not possess or use a controlled substance in a public place.

Obstruction

28. No person may obstruct a bylaw enforcement officer or peace officer in the fulfillment of their duties.

Offence and Penalty

29. Every person who violates a provision of this bylaw or who suffers or permits an act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do, or refrains from doing anything required to be done by any other provisions of this bylaw, is guilty of an offence and of a separate offence each day the violation is caused or allowed to continue against this bylaw.
30. This bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the Community Charter and Bylaw Notice Enforcement Act. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within City's current Municipal Ticket Information Bylaw and current Bylaw Notice Enforcement Bylaw.
31. In addition to penalties set out in section 31, a court may also make orders in accordance with section 263.1 of the Community Charter, as amended.
32. Nothing in this bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.
33. Every person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 in addition to the costs of prosecution or liable to a term of incarceration for a period of not more than 90 days, or both. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other

penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

Severability

34. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 26 day of February, 2007.

READ A SECOND TIME this 26 day of February, 2007.

READ A THIRD TIME this 26 day of February, 2007.

ADOPTED this 12 day of March, 2007.

Mayor

Clerk

**Schedule A
Prohibition Order**

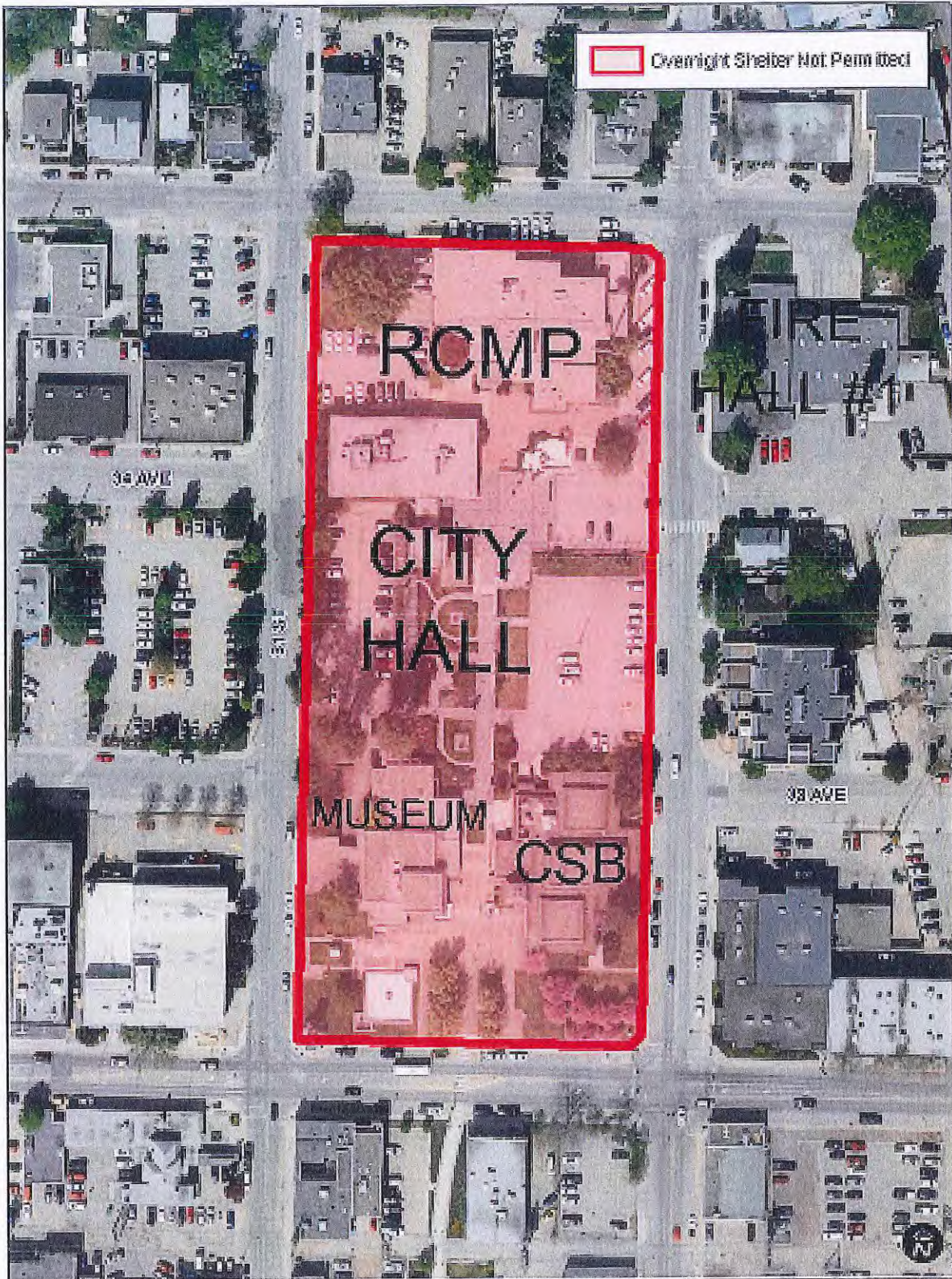
City of Vernon Prohibition Order	
Date of Issuance:	Prohibited from Entering the Following Public Place: _____ _____ _____
Person Prohibited: _____	
Address: _____	
Date of Expiry:	Reason: _____ _____

Description:	Features:
D.O.B. _____	_____
Hair Color _____	_____
Eyes _____	_____
Height _____	_____
Weight _____	
Race _____	

Schedule B
Cenotaph Park – No Temporary Shelter(s)



Schedule C
Spirit Square/Civic Grounds – No Temporary Shelter(s)



Schedule D
Recreation Centre – No Temporary Shelter(s)



Schedule E
Kal Tire Place – No Temporary Shelter(s)





THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 1310-01
PC: Patti Bridal, Director, Corporate Services **DATE:** March 14, 2018
FROM: Wayne Ikesaka, Manager, Information Services
SUBJECT: VIDEO RECORDING OF REGULAR OPEN COUNCIL MEETINGS

As per "Change Request 2564 – Council meeting online distribution" As directed by Council consider Option 2- Contracted Streaming Solution, wholly provided by a third party as outlined in the report titled "Video Recording and online distribution of public Council meetings", dated July 10, 2017.

Timeline:

- 1) March 14, 2018
 - a. Integration into the City network has occurred, most electrical completed, awaiting audio interface expected March 23, 2018.
- 2) March 29, 2018
 - a. Signage, encoder configuration and installation to be completed.
- 3) April 6, 2018
 - a. Training and retention policy to be completed by Legislative Services
- 4) April 9, 2018
 - a. Test of systems, process, interface and recording will occur at the April 9, 2018 Council meeting.
 - i. Regular meeting will be recorded but will not be posted on the website (initial test)
 - ii. This will be a final test, to ensure sound quality, administrative processes (online scheduling of meetings start and stop times, post production processing, deletion, and mock layout on website), post production indexing service, and expected deliverables from Sliq are met. This will include, but is not limited to, quality of product, timeliness of indexing service, bandwidth review, and any further changes to the layout of Council Chambers to provide optimum coverage as identified.
- 5) April 23, 2018
 - a. Tentative go live date for the first Video recorded Regular Council, with the video uploaded to the City of Vernon website . Indexing will be required so it will take a couple days to prepare for the upload.

Information Services will review the Quality of service, Internet traffic and any online feedback received and determine further fine tuning

RECOMMENDATION:

THAT Council receive the memorandum dated March 14, 2018, titled "Video Recording of Regular Open Council Meetings" regarding the timeline for implementation of recorded meetings on the City of Vernon Website, as respectfully submitted by the Manager, Information Services.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Wayne Kishoy", with a horizontal line extending to the right.

IAL MEMORANDUM



THE CORPO

INTERN

FILE: 0912-02

DATE: March 16, 2018

TO: Will Pearce, CAO

PC: Patti Bridal, Deputy CAO
Shirley Koenig, Director, Oper

FROM: James Rice, Manager Public

SUBJECT: *29th Street Parking Lot Con*

rations
Works, Parks and Airport
struction (New Delhi)

Council approved \$419,000 for the demolition of
struction of a temporary parking lot located at the
venue. The remaining funding following demolition,
\$390,298.

As part of the 2017 budget process,
the New Delhi building and the cons
intersection of 29th Street and 30th Av
grading and preliminary site design is

ring completion (Attachment 1) with an expected
April. The total estimated cost provided by our
neering) is \$454,093 + gst (Attachment 2). Based
unding deficit is estimated at \$63,804.

The design for the parking lot is nee
construction start date of mid to late
consulting engineer (Monaghan Engin
on the engineer's estimate, the total fi

were made to ensure that the construction of the
scaping would work with the ultimate construction
.. Unfortunately, due to elevation differences, all
are temporary and will need to be removed when
ed.

During the design process, attempts
parking lot and installation of the landsc
of the 25th Avenue Extension project
works installed as part of this project
the 25th Avenue Extension is construct

orks are considered temporary, every effort has
costs were possible and still achieve Councils
tion of import gravel fill with the City's recycled
ie parking lot construction.

With the understanding that these w
been made to minimize construction
objectives. This includes the substit
asphalt pavement (RAP) product for th

of the estimated construction costs are related to
29th Street. To keep landscaping costs as low as
rd area fronting 29th Street has been identified for
s adjacent to the railway tracks and the boulevard
been budgeted.

It is important to note that \$60,000 c
landscaping the boulevard adjacent to
reasonably possible, only the bouleva
landscaping. Landscaping in the area
area adjacent to 29th Avenue have not

Council also approved \$874,460 in funding for the
the building located at 3011 31st Avenue (Flower
00 32nd Avenue (former CSB). All three buildings
rently \$154,354 of remaining funding detailed as

As part of the 2017 budget process, (
demolition of the New Delhi building,
Shop) and the building located at 29
have been removed and there is cur
follows:

emolition - \$21,327 remaining
olition- \$111,241 remaining
remaining

- 3011 - 31 Ave (Flower Shop) de
- 2900 32Ave (former CSB) dem
- New Delhi demolition - \$21,786

Council could decide to allocate \$63,804 of the remaining funding from the demolition of the buildings noted previously and construct the parking lot as currently designed including the landscaping component adjacent to 29th Street.

Council could decide to remove the landscaping component from the project (\$60,000) and lower the estimated construction costs to \$394,093. This would bring the construction costs in line with the current available funding of \$390,298.

The northern half of the parking lot was graded and surfaced with recycled asphalt pavement (RAP) last fall as a temporary measure to allow parking over the winter season. Although not as aesthetically pleasing as the previous options, it would provide a functional parking surface over the short term as per the photo below, but would not include any drainage work.



North half of parking lot surfaced in recycled asphalt pavement (RAP)

Council could decide to significantly reduce the scope and cost of this project. The south side of the parking lot could be graded and surfaced in RAP similar to the north half of the parking lot that was completed last fall. The landscaping component could also be removed for additional savings and only minor curb and sidewalk repairs completed on 29th Street. The estimated costs of this option would be approximately \$100,000 and would result in a budget surplus of \$290,000.

The following table details the three construction options noted above:

	Description	Estimated Cost	Available Budget	Additional Funding Required
Option 1	Current design with landscaping	\$454,093	\$390,289	\$63,804
Option 2	Current design without landscaping	\$394,093	\$390,289	\$3,804
Option 3	RAP surface without landscaping	\$100,000	\$390,289	-\$290,289 **
			**Results in a budget surplus	

RECOMMENDATION:

THAT Council direct Administration to proceed with the 29th Street parking lot construction project as detailed in Option 1 of the memo titled "29th Street Parking Lot Construction (New Delhi)" and dated March 16, 2018 received from the Manager of Public Works, Parks and Airport.

AND FURTHER, that Council direct Administration to fund the estimated budget shortfall of \$63,804 from a portion of the funds remaining from the 2900 32nd Ave (former CSB) demolition.

ALTERNATIVES:

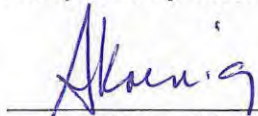
1. THAT Council direct Administration to proceed with the 29th Street parking lot construction project as detailed in Option 2 of the memo titled "29th Street Parking Lot Construction (New Delhi)" and dated March 16, 2018 received from the Manager of Public Works, Parks and Airport.

Note: This would remove the landscaping component of the project and would result in additional funding of approximately \$3,804, source of funds 2900 32nd Ave demolition.

2. THAT Council direct Administration to proceed with the 29th Street parking lot construction project as detailed in Option 3 of the memo titled "29th Street Parking Lot Construction (New Delhi)" and dated March 16, 2018 received from the Manager of Public Works, Parks and Airport.

Note: This would remove the landscaping component of the project and the parking lot surface would be finished in recycled asphalt pavement (RAP) instead of pavement and would result in a budget surplus of approximately \$290,289. This is intended as a short term situation, anticipating the 25th Ave extension will proceed.

Respectfully submitted,



James Rice, Manager Public Works, Parks and Airport

attachment

29th Street Parking Lot - Cost Estimate
MEACL #1813.01
City of Vernon
March 15, 2018

SCHEDULE OF QUANTITIES AND PRICES
(See paragraph 5.3.1 of the Instructions to Tenderers - Part II)

(All prices and Quotations including the Contract Price shall include all Taxes, but shall not include GST. GST shall be shown separately.)

SUMMARY SHEET	Engineer's Estimate
03 Concrete	\$41,050.00
26 Electrical	\$30,000.00
31 Earthworks	\$56,095.00
32 Roads and Site Improvements	\$126,020.00
33 Utilities	
Storm Sewers	\$81,050.00
32 Landscaping	\$60,649.00
TENDER PRICE	\$394,864.00
15% CONTINGENCY & ENGINEERING	\$ 59,229.60
SUBTOTAL	\$ 454,093.60
GST @ 5%	\$ 22,704.68
TENDER PRICE (including GST)	\$ 476,798.28



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 1470-04
PC: Patti Bridal, Director, Corporate Service **DATE:** March 16, 2018
FROM: Nick Nilsen, Communications Officer
SUBJECT: 2018 Citizen Budget Survey

The City of Vernon engaged residents regarding the budget process in 2017 using an online engagement platform hosted through the City's website. The Citizen Budget survey was open for resident input from May 1 to May 28, 2017, a period of four weeks. The online budget consultation received 112 responses. These responses were used by Council during the review process for the 2018-2022 Financial Plan.

Administration is recommending that the 2018 Citizen Budget Survey be open to Vernon residents from May 1 to May 27, 2018 (27 days), on the City's website. The results will provide Council with timely information prior to their strategic planning for the 2019-2023 Financial Plan.

The objectives of the 2018 City of Vernon Citizen Budget Survey are:

- To provide an opportunity for resident input to the 2019 Budget;
- To encourage and facilitate greater involvement of residents and to build upon the success of previous Citizen Budget Surveys;
- To provide broad background information on the City's budget to the public;
- To provide an easy-to-use format that is informative and engaging; and
- To increase awareness and interest about the City's commitment to public participation.

The participatory budget exercise will be hosted on the City's website and implemented using a public engagement tool from Engagement HQ (Bang the Table), who were awarded the contract for service following an RFP process conducted in 2017. There will be no additional budget impacts for implementing the 2017 Citizen Budget Survey.

RECOMMENDATION:

THAT council support implementing the 2018 Citizen Budget Survey from May 1 to May 27, 2018, on the City's website as noted in the memo dated March 16, 2018 from the Communication Officer and Grants Coordinator.

Respectfully submitted:

Nick Nilsen
Communications Officer and Grants Coordinator



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 0485-01-2018
PC: Patti Bridal, Director, Corporate Services **DATE:** March 19, 2018
FROM: Kim Flick, Director, Community Infrastructure and Development
SUBJECT: Request for Letter of Support for Addition to Reserve Lands (Okanagan Indian Band)

The Okanagan Indian Band (OKIB) is currently pursuing an addition to reserve lands of the portion of the former CN rail corridor (now the Okanagan Rail Trail) that passes through Duck Lake IR #7 (Attachment 1). IR #7 is located adjacent to Highway 97, north of the Kelowna International Airport and south of Lake Country. During the acquisition phase of the rail corridor, it was acknowledged by all partners that those portions of the corridor that crossed reserve lands would be considered for addition to those lands.

OKIB has requested a letter of support for the addition to reserve lands from the City, as well as from the Regional District of North Okanagan (which has been provided). A letter of support has been drafted for the consideration of Council (Attachment 2).

RECOMMENDATION:

THAT Council authorize the Mayor to send a letter of support to Indigenous Services Canada for the addition of the portion of the former CN rail corridor that runs through Duck Lake IR #7 to that reserve.

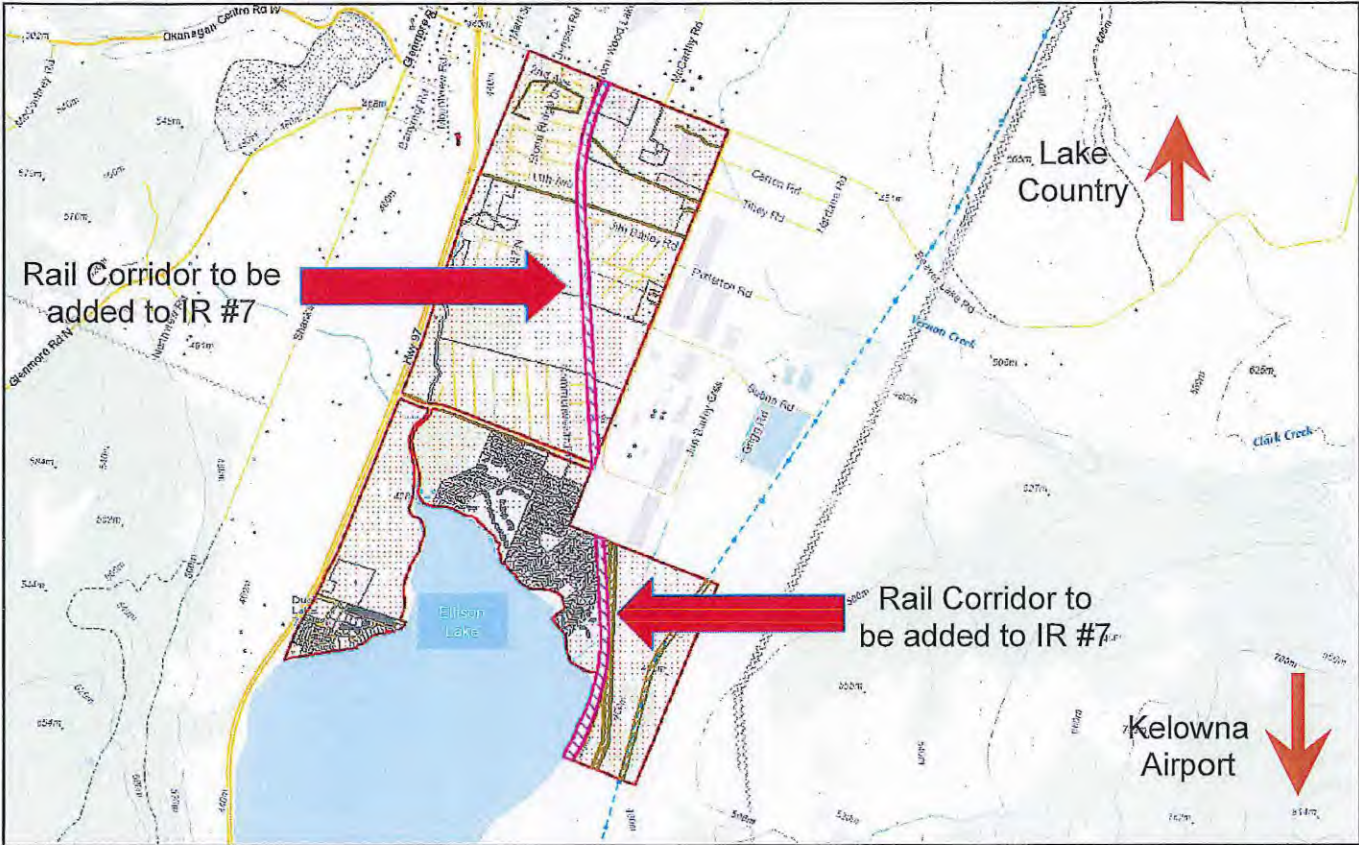
Respectfully submitted:

Kim Flick
Mar 19 2018 12:05 PM DocuSign

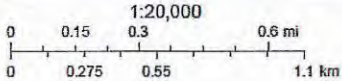
Kim Flick, Director
Community Infrastructure and Development

Attach.

Addition to Okanagan Indian Band Reserve Land (Okanagan Rail Trail)



November 10, 2017



----- Duck Lake #7



THE CORPORATION OF THE CITY OF VERNON

File: 0485-01

March 19, 2018

David Russell
Director, Lands and Economic Development
Indigenous Services Canada
600 – 1138 Melville Street
Vancouver, BC
V6E 4S3

Dear Mr. Russell,

Re: Okanagan Indian Band Addition to Reserve

It is our understanding that the Okanagan Indian Band (OKIB) is working with the Department of Indigenous Services Canada (DISC) with respect to the rail corridor running through Okanagan Indian Band Duck Lake IR# 7.

Please be advised that the City of Vernon is fully in support of the Okanagan Indian Bands' Addition to Reserve application related to the above referenced lands and we would like to see the process proceed as quickly as possible.

Yours truly,

Mayor Akbal Mund

cc: Lee Anne Cameron
Director of Lands, Okanagan Indian Band



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Amanda Watson, Manager,
Transportation

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: March 26, 2018
REPORT DATE: March 16, 2018
FILE: 3220-25

SUBJECT: PROPOSED STREET NAMING POLICY

PURPOSE:

To seek Council's endorsement of a Street Naming Policy.

RECOMMENDATION:

THAT Council endorse the Street Naming Policy as presented in the report titled "Proposed Street Naming Policy", dated March 16, 2018 from the Transportation Manager.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council endorse the Street Naming Policy presented in the report titled "Proposed Street Naming Policy", dated March 16, 2018 from the Transportation Manager as amended: *(to be cited by Council)*.

Note: The implications of this alternative would depend on the amendments identified by Council.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. Administration has drafted the attached Street Naming Policy, having reviewed policies from Canada Post and other cities in British Columbia, across Canada and internationally. It sets out the process, requirements and approvals necessary in order for a street to be named and renamed. It has been developed with due consideration of the community benefit of recognising local people, history, geography and nature while ensuring street names do not cause logistical issues, most importantly for emergency services.
2. The criteria to rename streets in the policy is restrictive in recognition of the impact and costs associated with changing street names on the residents of that street, the postal service, the City's mapping system and the international online mapping systems used by many GPS systems and mobile phones.
3. Should Council endorse this policy, any requests for street naming and renaming, including any recently received, will be processed in accordance with the policy.

C. Attachments:

Attachment 1 – Proposed Street Naming Policy

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject of naming city streets involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Deliver efficient, effective and proactive municipal services.

E. Relevant Policy/Bylaws/Resolutions:

1. Administration has undertaken development of a Parks Naming Policy as a result of assuming responsibility for parks in the city boundaries. The subject Street Naming Policy was undertaken at the same time.

BUDGET/RESOURCE IMPLICATIONS:

The endorsement of the policy has no financial impacts. Applications to rename streets will incur the required amount of staff hours for each application.

Prepared by:

Mar 16 2018 11:02 AM

X *Amanda Watson* ✓

Amanda Watson

DocuSign

Amanda Watson
Manager, Transportation

Mar 16 2018 11:59 AM

X *Kim Flick* ✓

Kim Flick

DocuSign

Division Director

Approved for submission to Council:

Will Pearce
Will Pearce, CAO

Date: 19.03.2018

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |



THE CORPORATION OF THE CITY OF VERNON
 3400 – 30th Street, Vernon, B.C. V1T 5E6
 Telephone: (250) 545-1361 Fax: (250) 545-4048
 website: www.vernon.ca

Corporate Policy Manual

Section:	Community Infrastructure and Development	
Sub-Section:		
Title:	Street Naming Policy	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVED BY:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: Mayor: Akbal Mund Date: March 26, 2018		
	Amendment Approved by: Mayor: Date:	

POLICY

The purpose of this policy is to establish a transparent, clear and consistent method for the review of applications to name and rename streets.

PROCEDURES

STREET NAMING PRINCIPLES

The provision of a uniform and orderly street naming system enables geographic locations to be found quickly and without incident. A street naming system should be simple, easily understood and allow for systematic expansion as the community grows.

Names and Functions

Avenue (Ave): A through local road, collector or arterial carrying traffic east-west.

Boulevard (Blvd): An arterial or collector carrying through traffic.

Crescent (Cres): A local roadway curvilinear in nature and shaped as a crescent.

Court (Crt): A non-through local roadway comprised mainly of a turning area (cul-de-sac).

Drive (Dr): A lengthy collector or arterial.

Lane: A service/access street behind homes and businesses.

Place (Pl): A non-through local roadway ending with a turning area.

Road (Rd): A through local road, collector or arterial.

Street (St): A through local road, collector or arterial carrying traffic north-south.

Way: A collector or arterial carrying predominantly express traffic.

Street names should:

1. afford the least opportunity for confusion (e.g. similar sounding street names are to be avoided);
2. avoid repeating existing names in new roads constructed off an existing road (e.g. Burton Close or Burton Crescent off Burton Road) as this can have a detrimental effect in an emergency situation;
3. have the same name in adjoining municipalities; where a road is a boundary between two municipalities, the use of a common name in both is helpful;
4. may be based on a historical event or figure, geographic feature, theme, or other significant landmarks relative to the land to be developed; themes for street names within a development area are supported as this leads to quick location identification for emergency services;
5. establish continuity; wherever possible, streets should have only one name along their entire length; and
6. avoid naming streets after lakes, rivers, creeks, etc. (roads may go to a destination but should not have a name synonymous with the destination).

Street names cannot:

7. duplicate an existing name in the city or a nearby locality;
8. be the same or similar to an existing name in a different area of the city;
9. be similar in spelling to an existing street name or be homonymous with an existing street name;
10. have three or more words and shall not exceed 14 characters in length to allow for an address to include apartment / unit numbers and not exceed Canada Post's maximum of 40 characters per line;
11. have the first syllable(s) of the street name used as the first syllable(s) of a subdivision in another part of the city, unless the two subdivisions are adjacent;
12. be named after a commercial business, trading name or non-profit organisation;
13. be named after a living person (relevant person must have been deceased for at least two (2) years);
14. use hyphenated names, special characters, punctuation, prefixes and suffixes (e.g. north, east);
15. use slang words, discriminatory words or words that are derogatory in nature; and
16. begin with the word "The" (e.g. The Avenue).

Street Naming Process through Development and the Construction of New Roads:

The process for approving a name for a new street is as follows:

1. street name proposals are processed through Community Infrastructure and Development Services;
2. street naming proposals may be identified by Council, City staff or the developer;
3. a written request is submitted to Community Infrastructure and Development Services, as part of the subdivision approval process, including:
 - a. a brief, but complete, explanation of the reasons for the proposed name(s);
 - b. a map identifying the streets with the proposed names;
4. the proposed street name is circulated to the appropriate City divisions for information purposes; and
5. the Approving Officer is authorized to approve the assignment of a street name.

Renaming Streets

Streets may be renamed for the following reasons:

- a. on a case by case basis, for duplicate or similar name situations;
- b. where a street or street realignment connects streets with different names to form one continuous street; or
- c. where staff deems it appropriate to rename an existing street.

Any owner, occupier or developer may seek to rename a street. The following information is collected for all requests concerning the renaming of streets:

- a. historic significance of the existing street name and the length of time in use;
- b. total number of street addresses on the street affected;
- c. current land use at each address;
- d. in-stream development applications on the street affected; and
- e. existing and planned transportation network for the affected area.

Street Renaming Process

The process for approving a street renaming proposal is as follows:

1. street renaming proposals are processed through Community Infrastructure and Development Services;
2. street renaming proposals may be identified by Council or by City staff;
3. any owner, occupier or developer who seeks to rename a street must appear before Council, as a delegation, to present their proposal;
4. any owner, occupier or developer who requests the change will bear the costs of reimbursement for up to six (6) months of change of address service with Canada Post for owners and occupiers affected by the street name changes;
5. owners or occupiers affected by the proposed renaming will be consulted during a public information meeting with respect to the proposed renaming and implementation;
6. Community Infrastructure and Development Services will submit a street renaming proposal for Council's consideration and approval, including the required information, a summary of input received during the public information meeting, and the recommended street name;
7. as part of implementation, a minimum one (1) month notice of a street renaming must be provided to owners or occupiers affected by the proposed street renaming; and
8. street name changes will not take place in the period between November 1 to January 15.

Should Council endorse the policy, naming requests, including any recently received, will be processed in accordance with the Council policy.

C. Attachments:

Attachment 1 – Proposed Parks Naming Policy

D. Council’s Strategic Plan 2015 – 2018 Goals/Deliverables:

Create a vibrant parks and recreation system.

E. Relevant Policy/Bylaws/Resolutions:

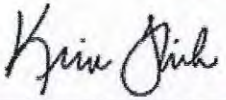


N/A

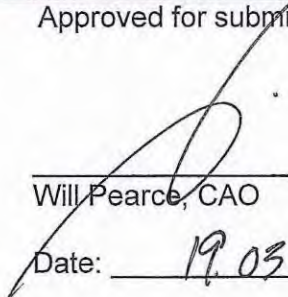
BUDGET/RESOURCE IMPLICATIONS:

There are no budget implications associated with the recommendation in this report.

Prepared by:

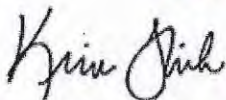


Approved for submission to Council:

Mar 19 2018 1:57 PM
X  
Kim Flick 


Will Pearce, CAO

Kendra Kryszak,
Parks Planner

Date: 19.03.2018

Mar 19 2018 1:57 PM
X  
Kim Flick 

Kim Flick,
Director, Community Infrastructure and Development

REVIEWED WITH		
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Operations	<input type="checkbox"/> Current Planning
<input type="checkbox"/> Bylaw Compliance	<input type="checkbox"/> Public Works/Airport	<input checked="" type="checkbox"/> Long Range Planning & Sustainability
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<input type="checkbox"/> COMMITTEE:		
<input type="checkbox"/> OTHER:		



THE CORPORATION OF THE CITY OF VERNON

3400 – 30th Street, Vernon, B.C. V1T 5E6

Telephone: (250) 545-1361 Fax: (250) 545-4048

website: www.vernon.ca

Corporate Policy

Section:		
Sub-Section:		
Title:	Parks Naming Policy	

RELATED POLICIES

Number	Title

APPROVALS

POLICY/AMENDMENT APPROVED BY:	DATE OF COUNCIL MEETING:	SECTION AMENDED
Mayor	March 26, 2018	ORIGINAL POLICY

POLICY

To establish clear principles and a process for the naming of parks within the City of Vernon.

DEFINITIONS

PROCEDURES

1. In selecting the name for a park or natural area, primary consideration will be given to local geography, history and tradition, natural features and persons of historical significance. Consider the following in order of priority when selecting park names:
 - a. Use of physical reference, such as geographical feature or adjacent street
 - b. Historical or cultural association with the site
 - c. Historical street name that abuts the park
 - d. Significant or predominant plant or animal indigenous to the park/area
 - e. Person of historical significance to the community
2. The donation of land, amenities or funds for the acquisition, renovation or maintenance of land or amenities, shall not constitute an obligation by the City of Vernon to name the land and/or amenities or any portion thereof after an individual, family or organization.
 - a. Naming of parkland after people may be considered when that person (or next of kin) has donated that land for park purposes and when the donor (or next of kin) specifically requests that the park be named as such.
 - b. Naming of amenities within a park is not permitted. However significant contributions or donations may be recognized.
3. Renaming of existing parks is discouraged. However, renaming could be considered when confusion of park names already exists or when otherwise recommended by Council.
4. For new parks, naming shall begin early in the development and/or acquisition process and be completed prior to official opening.

PROCESS

Naming of Existing Parks:

When selecting a name for an existing park that is currently unnamed, Administration shall identify all appropriate names and supporting information for Council's consideration.

Naming of New Parks:

As part of the community engagement process, consideration of the name for the park shall be explored with the public. It should be noted that public park consultation may not be warranted for every park naming opportunity. In all cases, the public may provide suggestions to Administration for future park names.

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5677

A bylaw to Amend Fees and Charges Bylaw
Number 3909

WHEREAS the Council of the City of Vernon has determined to amend the "City of Vernon Fees and Charges Bylaw Number 3909, 1993".

NOW THEREFORE the Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "**Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018**".
2. That Schedule "A" – Fee Schedule of Fees and Charges Bylaw Number 3909, 1993 be amended as follows;
 - a. Section 2 – COMMUNITY INFRASTRUCTURE AND DEVELOPMENT, **AMEND** various fees to reflect the cost of providing services as shown in **Red** on attached Schedule A;
 - b. Section 5 – PUBLIC WORKS/YARDS, **AMEND** various fees to reflect the cost of providing services as shown in **Red** on attached Schedule B;
 - c. Section 5 – PUBLIC WORKS/YARDS, **ADD** Fees for the following as shown in **Red** on attached Schedule B:
 - Tipping Fee for Clean Fill at City Yards
 - Delivery and collection of community fire pot
 - d. Section 10 – AIRPORT SERVICES, **AMEND** various fees to reflect the cost of providing services as shown in **Red** on attached Schedule C;
 - e. Section 10 – AIRPORT SERVICES, **ADD** Fees for the following as shown in **Red** on attached Schedule C:
 - Processing fee for overnight parking not paid at of departure
 - Skydive turbine/turbo-prop fixed wing aircraft
 - Advertising Fee – Exterior of Air Terminal Building

BYLAW 5677

3. If any section, subsection, paragraph, clause or phrase, of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

4. The Fees and Charges Bylaw Number 3909 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 12th day of March , 2018.

READ A SECOND TIME this 12th day of March , 2018.

READ A THIRD TIME this 12th day of March , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer

SCHEDULE 'A'

Attached to and forming part of

"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
A. The fee to accompany an application for amendments to:	
(i) Official Community Plan <ul style="list-style-type: none"> • \$500.00 application fee • \$600.00 processing fee • \$600.00 advertising fee <i>(Bylaw 5626)</i> (ii) Zoning Bylaw <ul style="list-style-type: none"> • \$500.00 application fee (except between January 28, 2013 and April 30, 2013, during which time the application fee will be \$300.00 for those applications utilizing the permitting pilot project) (Bylaw 5407) • \$600.00 processing fee • \$300.00 advertising fee (iii) Land Use Contracts <ul style="list-style-type: none"> • \$500.00 application fee • \$600.00 processing fee • \$300.00 advertising fee 	 <p align="right">\$1,400.00 \$1,700.00</p> <p align="right">\$1,400.00</p> <p align="right">\$1,400.00</p>
B. Discharge of:	
(i) Land Use Contracts <ul style="list-style-type: none"> • \$500.00 application fee • \$600.00 processing fee • \$300.00 advertising fee (ii) Notice on Title <i>(Bylaw 5410)</i>	 <p align="right">\$1,400.00</p> <p align="right">\$ 500.00</p>
C. Issuance of:	
(i) Development Variance Permits <ul style="list-style-type: none"> • \$500.00 application fee (except between January 28, 2013 and April 30, 2013, during which time the application fee will be \$300.00 for those applications utilizing the permitting pilot project) (Bylaw 5407) • \$600.00 processing fee 	<p align="right">\$1,100.00</p>

SCHEDULE 'A'

Attached to and forming part of

"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
(ii) Major Development Permits <ul style="list-style-type: none"> • \$500.00 application fee (except between January 28, 2013 and April 30, 2013, during which time the application fee will be \$300.00 for those applications utilizing the permitting pilot project) (Bylaw 5407) • \$600.00 processing fee 	\$1,100.00
(iii) Minor Development Permits <ul style="list-style-type: none"> • \$125.00 application and processing fee 	\$125.00
(iv) Heritage Revitalization Agreements <ul style="list-style-type: none"> • \$500.00 application fee • \$600.00 processing fee • \$300.00 advertising fee 	\$1,400.00
(v) Heritage Alteration Permits <ul style="list-style-type: none"> • \$200.00 application and processing fee (Bylaw 5509) 	\$200.00
(vi) Temporary Commercial or Industrial Use Permits \$500.00 application fee \$600.00 processing fee \$300.00 advertising fee	\$1,400.00
D. Application Fee for Renewal or Extension of a:	
(i) Development Variance Permit <ul style="list-style-type: none"> i. first one year approval extension ii. second one year approval extension iii. third one year approval extension iv. a subsequent approval extension (Bylaw 5626) 	\$ 500.00 \$1,000.00 \$1,500.00 \$3,000.00
(ii) Development Permit <ul style="list-style-type: none"> a) first one year approval extension b) second one year approval extension c) third one year approval extension d) a subsequent approval extension (Bylaw 5626) 	\$ 200.00 \$ 500.00 \$1,000.00 \$3,000.00
(iii) Rezoning Bylaw <ul style="list-style-type: none"> a) first one year extension to bylaw processing timeline after Third Reading b) second one year extension to bylaw processing timeline after Third Reading c) third one year extension to bylaw processing timeline after Third Reading 	\$ 500.00 \$1,000.00 \$2,000.00

SCHEDULE 'A'

Attached to and forming part of

"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEEES
d) a subsequent extension to bylaw processing timeline after Third Reading (<i>Bylaw 5626</i>)	\$4,000.00
(iv) Land Use Contract Bylaw	
a) first one year extension to bylaw processing timeline after Third Reading	\$ 500.00
b) second one year extension to bylaw processing timeline after Third Reading	\$1,000.00
c) third one year extension to bylaw processing timeline after Third Reading	\$2,000.00
d) a subsequent extension to bylaw processing timeline after Third Reading (<i>Bylaw 5626</i>)	\$4,000.00
(v) Heritage Alteration Permit	\$ 200.00
a) first one year approval extension	\$ 400.00
b) second one year approval extension	\$ 500.00
c) a subsequent approval extension (<i>Bylaw 5626</i>)	
(vi) Heritage Revitalization Agreement Bylaw	
a) first one year extension to bylaw processing timeline after Third Reading	\$ 200.00
b) second one year extension to bylaw processing timeline after Third Reading	\$ 400.00
c) a subsequent approval extension (<i>Bylaw 5626</i>)	\$ 500.00
(vii) Renewal of Building Permit Approval (<i>Bylaw 5626</i>)	\$ 125.00
(viii) Renewal of Plumbing Permit Approval (<i>Bylaw 5626</i>)	\$ 125.00
(ix) Renewal of Moving Permit Approval (<i>Bylaw 5626</i>)	\$ 125.00
(x) Renewal of Demolition Permit Approval	
1. non heritage building	\$ 50.00
2. heritage building (listed in Vernon Heritage Register)	\$ 75.00
3. (<i>Bylaw 5626</i>)	
(xi) Subdivision Preliminary Layout Review (PLR)	
a. first one year extension	\$ 100.00
b. second one year extension	\$ 250.00
4. no further extension to be granted – new application	
5. required (<i>Bylaw 5626</i>)	
E. Building Permit Fees:	

SCHEDULE 'A'

Attached to and forming part of

"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
<p>(i) Non-refundable application fees:</p> <p> a) Projects valued at less than \$100,000</p> <p> b) Non-complex buildings</p> <p> c) Complex buildings</p> <p>(ii) Commercial, industrial, residential, and miscellaneous Building Permit fees:</p> <p> a) for each \$1000 of permit value or part thereof up to \$500,000</p> <p> b) for each \$1000 of permit value or part thereof from \$500,001 to \$1,000,000</p> <p> c) for each \$1000 of permit value or part thereof exceeding \$1,000,000</p> <p>(iii) Building Permit Fees issued in accordance with the City of Vernon Building and Plumbing Bylaw shall be reduced by 20% of the total building permit fee payable.</p> <p>(iv) Re-inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.</p> <p>(v) After hours inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.</p> <p>(vi) Voluntary inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.</p> <p>The above fees do not include the Plumbing Permit Fees and Hoarding Fees set out below. (Bylaw 5415)</p>	<p></p> <p>\$ 50.00</p> <p>\$100.00</p> <p>\$250.00</p> <p></p> <p>\$ 10.00</p> <p>\$ 9.00</p> <p>\$ 8.00</p> <p></p> <p>\$150.00 <i>(Bylaw 5626)</i></p> <p>\$175.00</p> <p>\$ 90.00 \$150.00</p>
<p>F. Plumbing Permit Fees:</p>	
<p>(i) New construction, alterations, remodelling, and repair</p> <p> a) Connection to sewer fee</p> <p> b) Per fixture fee</p>	<p></p> <p>\$ 90.00</p> <p>\$ 10.00</p>

“Fees and Charges (Various Fees) AND	FEES
2. COMMUNITY INFRASTRUCTURE DEVELOPMENT	\$ 90.00 \$150.00 (Bylaw 5626)
c) Minimum fee	
d) Re-inspection fee (Bylaw 5415)	parking meters, the fee hoarding adjacent to a minimum hoarding fee
G. Hoarding Fees:	
(i) For hoarding areas not affecting road right of way; however, the shall be \$55.00.	and including parking \$ 1.10 per linear foot, \$ 55.00 minimum fee
(ii) For hoarding areas adjacent to meter spaces, the fee shall be:	or less \$ 10.00
a) per meter per day	service fee per permit \$ 5.00
b) per meter closed for 4 hours	\$ 25.00
c) plus a parking meter closure fee (Bylaw 5415)	n (Bylaw 5415) \$250.00
H. Moving Permit Fee:	
(i) Fee payable at time of application	\$150.00 (Bylaw 5626)
I. Demolition Permit Fees:	\$250.00 (Bylaw 5626)
(i) Non-Heritage Buildings	\$450.00
(ii) Heritage Buildings (Bylaw 5415)	Division Application Application fee is forwarded \$750.00 \$300.00 is
J. Board of Variance Application	\$1,500.00 *see note
K. Agricultural Land Reserve (ALR) Exclusion (*Note: \$750.00 \$1,200.00 of the application fee is retained by the City) (Bylaw 5626)	g a Remainder)
L. Subdivision Application Fee	
(i) Number of Lots Proposed (Including (Bylaw 5626):	

SCHEDULE 'A'**Attached to and forming part of
"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"**

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
2 lots	\$330.00
3 to 10 lots	\$330.00 + \$300.00 per lot in excess of 2
11 to 20 lots	\$2,730.00 + \$220.00 per lot in excess of 10
21 to 30 lots	\$4,930.00 + \$190.00 per lot in excess of 20
31 to 40 lots	\$6,830.00 + \$165.00 per lot in excess of 30
Over 40 lots	\$8,480.00 + \$110 per lot in excess of 40
(ii) Strata Plan Form P Approval Fee	\$ 50.00
(iii) Strata Conversion Application Fee	\$500.00
(iv) Strata Plan Form P Reallocation of Phases Fee	\$500.00
(v) Strata Plan Form P Amendment to Commencement and Completion Dates Fee	\$100.00
M. Road Name Change Bylaw Fee <ul style="list-style-type: none"> • \$500 application fee • \$900 processing, advertising and notification fee 	\$1,400 plus new sign costs
N. Change of Civic Address Fee	\$100.00
O. Neighbourhood Plan Application Fee (for a new NP) Neighbourhood Plans AMENDMENT Application <ul style="list-style-type: none"> • \$500 application fee • \$900 processing and advertising fee 	\$5,000.00 \$1,400.00
P. Access Permit Fee	\$300.00 per permit (Bylaw 5626)
Q. Engineering Development Review and Inspection Fees *Note: Fee rates shall be applied to the total estimated cost of constructing the works and services, based on a Professional Engineer's estimate, and as accepted by the Director of Community Infrastructure and Development or designate. (Bylaw 5626)	

SCHEDULE 'A'

Attached to and forming part of

"Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
On the first \$750,000.00	3.0% *see note
On the second \$750,000.00	2.0% *see note
On the balance of over \$1,500,000.00	1.0% *see note
Engineering Plan Resubmission Fees (Bylaw 5550 & 5626)	\$250.00 per sheet reviewed after the second submission
R. Pre-Blast Surveys – Collection Fee (A collection fee in the amount of \$90.00 will be levied at the earlier of subdivision application, road usage permit application, Soil Removal and Deposition Permit application or building permit application for all properties that involve blasting. A subdivision approval, road usage permit, Soil Removal and Deposition permit or building permit will not be issued until the collection fee and pre-blast survey are provided to the City. Irrespective of issuance of approvals and permits, in no event shall blasting occur prior to acceptance by the City of the collection fee and pre-blast survey. (Bylaw 5626)	\$90.00
S. Soil Removal and Deposition Permit Application Fee Type A Type B	\$100.00 \$100.00 plus \$50 per drawing sheet provided for review (Bylaw 5672)

SCHEDULE 'B'

Attached to and forming part of
 "Fees and Charges (Community Infrastructure and Development Services Fees)
 Amendment Bylaw Number 5626, 2017"

FEE SCHEDULE

Schedule A
 Attached to and forming
 part of Bylaw 3909

5. PUBLIC WORKS / YARDS	FEES
A. Repeat Nuisance Calls	\$114.00 per hour
B. Lateral Cameras – Service Inspection Fees	Actual Costs
C. Repair Damaged Infrastructure	Actual Costs
D. Sale of Bulk Liquid Anti-icing Material	Cost of product plus 30% mark up for storage, handling and administration
E. Sale of Bulk Winter Road Salt	Current cost of salt plus 30% mark up for storage, handling and administration
F. Flushing Private Parking Lots and Roads	Actual labour costs plus 20% Administration fee
G. Provide Anti-icing Winter Maintenance to Neighbouring Municipalities and the Private Sector	Current labour costs plus 20% Administration fee
H. Hired City of Vernon Equipment	Current labour costs plus 20% Administration fee
I. Sale of Crushed Recycled Asphalt and Concrete	Current cost of production or product plus 20% mark up for storage, handling and administration
J. Tipping Fee for Waste Asphalt and Concrete	\$25 200.00 per truck load
K. Building Construction Causing Damage to Curb, Gutter and/or Side walk	Fixed Fee as estimated by City of Vernon based on assessment of damage.
L. Tipping Fee for Clean Fill at Hesperia Landfill (Bylaw 5483)	\$30 50.00 per truck load
M. Tipping Fee for Clean Fill at City Yards	\$400.00 per truck load
N. Delivery and collection of community fire pot	\$300 per event

SCHEDULE 'C'

Attached to and forming part of
 "Fees and Charges (Community Infrastructure and Development Services Fees)
 Amendment Bylaw Number 5626, 2017"

10. AIRPORT SERVICES	FEES
<p>A. Overnight Parking:</p> <ul style="list-style-type: none"> • <u>Aircraft weighing up to 5,000 kg</u> • <u>Aircraft weighing over 5,000 kg</u> • <u>Processing fee for overnight parking not paid at time of departure **does not apply to jet/turbine aircraft that will be invoiced for landing fees</u> 	<p>\$ 12.00 / night <u>\$ 25 / week</u> \$ 20.00 / night <u>\$ 40.00 / week</u> <u>\$ 25.00</u></p>
<p>B. Landing:</p> <ul style="list-style-type: none"> • <u>Turbine/Turbo-prop fixed wing aircraft</u> • <u>Skydive turbine/turbo-prop fixed wing aircraft</u> 	<p>\$ 2025.00 / landing <u>\$ 25.00 / landing or</u> <u>\$1000 annual</u></p>
<p>C. Fuel:</p> <ul style="list-style-type: none"> • Avgas 100LL markup • Avgas 100LL special markup for non-profit organizations (with CAO approval) • Jet A markup • Jet A special markup for non-profit organizations (with CAO approval) • Discount (Jet A customers who purchase over 100,000 liter per year). Applies only during regular fueling hours, weekdays 7:30 am-7:30pm, and weekends, 7:30am-4:00pm • Truck Callout after hours call out charge. Applies <ul style="list-style-type: none"> • <u>weekdays-Weekdays</u> before 7:30 am and after 7:30 pm, and • <u>SaturdayWeekends</u>, before 8:00<u>7:30</u> am and after 3:30<u>4:00</u> pm, and Sunday • <u>Stat holidays</u> 	<p>\$ 0.27/ liter \$ 0.05/ liter \$ 0.40/ liter \$ 0.05/ liter \$ 0.15/ liter \$100.00</p>
<p>D. Aircraft Tie downs:</p> <ul style="list-style-type: none"> • Grass Tie-downs annual 	<p>\$475.00 /year</p>

SCHEDULE 'C'

Attached to and forming part of
 "Fees and Charges (Various Fees) Amendment Bylaw Number 5677, 2018"

FEE SCHEDULE

Schedule A
 Attached to and forming
 part of Bylaw 3909

<ul style="list-style-type: none"> • Grass Tie-downs monthly • Grass Tie-downs weekly • Asphalt Tie-downs annual • Asphalt Tie-downs monthly • Asphalt Tie-downs weekly • Tie-down with hydro • _____ 	50.00 /month 25.00 /week \$567575.00 /year 75.00 /month 3035.00 /week \$300.00/month
E. Gate Cards: <ul style="list-style-type: none"> • Airside Vehicle Operating Permit (AVOP) • New or Replacement Electronic Gate Card • Fees do not apply to emergency service vehicles, ambulance, police and Okanagan Landing Fire Department 	\$25.00 \$25.00
F. Aircraft Towing: <ul style="list-style-type: none"> • Relocate unauthorized aircraft to aircraft tie down area • Assist parking of an aircraft to tie down area • Assist disabled aircraft to maintenance building 	\$60.00 \$60.00 \$60.00
G. Hangar Sale Fee (to seller): <ul style="list-style-type: none"> • Administration fee to inform agencies of new hangar ownership; lease commitment release, and lease assignment letter 	\$100.00
H. Air Terminal Building (ATB): <ul style="list-style-type: none"> • Advertising Fee – Interior terminal–buildingATB advertising signs • Advertising Fee – Exterior of ATB • ATB Common Area <u>rental</u> 	\$6080.00/year \$20.00/month \$100.00/year \$25.00/month \$50/day \$100/month
I. Rental Car Drop Box	n/c
J. Commonage Repeater Site: <ul style="list-style-type: none"> • Provide power to radio repeater building 	\$600/year

THE CORPORATION OF THE CITY
BYLAW NUMBER 5680
A Bylaw to Impose Parks Development Cost Charges

WHEREAS under the *Local Government Act*, the City may impose development cost charges for the purpose of providing funds to assist the City in paying the capital costs of acquiring and improving park land in order to serve, directly or indirectly, the development in respect of which the charges are imposed;

AND WHEREAS in setting the development cost charges under this bylaw, the City has considered the matters referred to in section 564 of the *Local Government Act* and has determined that the development cost charges:

- (a) are not excessive in relation to the prevailing standards of service in the City;
- (b) will not deter development in the City;
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the City; and
- (d) will not discourage development designed to result in a low environmental impact;

NOW THEREFORE, the Council of the City of Vernon, in open meeting assembled, hereby enacts as follows:

Citation:

1. This bylaw may be cited for all purposes as “**City of Vernon Parks Development Cost Charges Bylaw No. 5680, 2018**”.

Definitions:

2. In this bylaw:

“**City**” means The Corporation of the City of Vernon;

“**Commercial**” means a building or portion thereof used for commercial or business purposes;

“**Congregate Care Facility**” means a facility providing and operating a common central kitchen and dining room capable of seating all congregate care unit residents at one sitting, and the facility must contain care service (medical assistance) areas, recreation areas and amenity areas typical of a congregate care facility. Each congregate unit must be equipped with an apparatus designed to alert facility staff of emergency situations (i.e. resident activated medical alarms);

"Dwelling Unit" means one or more habitable rooms used or intended to be used for living and sleeping purposes for no more than one family, have a separate entrance and containing a kitchen and bathroom, including tourist accommodation units whose occupancy by any tourist or tourist party is required by any City bylaw to be for seven (7) or more days in duration, and includes, in the case of units that are not tourist accommodation units, only those units having a floor area greater than 29m² measured to the inner surface of the walls forming the outer perimeter of the unit;

"Gross Floor Area" means the sum of the floor areas of each storey in a building measured between the exterior walls of the building, including unfinished areas such as basements but excluding residential parking garages;

"Low Income Housing" means property owned, developed or operated by a non-profit society, Government of Canada, Province of British Columbia or the local government as rental units for persons living in the North Okanagan, where the income of such persons falls beneath the low income cut-off amounts published by Statistics Canada from time to time, or as otherwise determined or agreed to by the local government, and where a Housing Agreement and restrictive covenant are registered on title;

"Multiple Unit Housing" means a building containing more than one dwelling unit;

"Official Community Plan" means City of Vernon currently adopted Official Community Plan as amended from time to time;

"Parcel" means any lot, block or other area in which land is held, or into which land is subdivided, including a bare land strata parcel, but does not include a highway;

"Secondary Suite" means a secondary suite permitted under the current Zoning Bylaw in, or in connection with, a single detached housing building;

"Single Detached Housing" means a detached building containing only one dwelling unit or containing one dwelling unit and a permitted secondary suite;

"Used" means used or intended to be used; and

"Zoning Bylaw" means the currently adopted City of Vernon Zoning Bylaw, as amended from time to time.

Imposition of Charges

3. Subject to the exceptions set out in the *Local Government Act*, every person who obtains:

- (a) approval of a subdivision of land under the *Land Title Act* or the *Strata Property Act*, or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure;

shall pay to the City development cost charges calculated in accordance with Schedule "A".

Manner of Calculation

4. The amount of development cost charges payable depends upon:

- (a) the number of additional parcels being created by the application for a single detached housing subdivision or a mobile home lot subdivision;
- (b) the number of dwelling units proposed when applying for a building permit for a multiple unit housing building, provided that where the permit is authorizing the alteration of a building that previously contained dwelling units, development cost charges are payable only in respect of the additional number of dwelling units being created in the building;
- (c) the gross floor area (in square metres) that will be constructed when applying for a building permit for commercial development; and
- (d) the number of beds that will be provided when applying for a building permit for congregate care development.

For mixed use developments, the development cost charge payable shall be calculated separately for each portion of the development in accordance with the zoning district and land uses which are contained in the building permit or subdivision application. The total payable will be the sum of the development cost charges for each portion of the development.

Timing of Payment

5. Development cost charges payable under this bylaw shall be paid to the City at the time of approval of the subdivision or issuance of the building permit in respect of which the charges are imposed.

Application to Buildings Containing Two or Three Dwelling Units

- 6. Despite section 561(5) of the *Local Government Act*, development cost charges are payable under this bylaw in relation to a building permit authorizing the construction of a building containing two or three dwelling units, other than a single detached housing building containing a permitted secondary suite.

Waiver of DCCs for Low Income Housing

- 7. Pursuant to the *Local Government Act*, development cost charges for low income housing are waived in their entirety.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS day of , 2018.

ADOPTED that day of , 2018.

Mayor

Corporate Officer

SCHEDULE A
Attached to and Forming Part of Bylaw 5680
“City of Vernon Parks Development Cost Charges Bylaw No. 5680, 2018”

Municipal-Wide Parks DCCs For Park Land Acquisition and Park Development

Land Use	Parks DCC	Units
Single Detached Housing	\$2,645	Per parcel
Multiple Unit Housing	\$1,889	Per unit
Commercial	\$4.25	Per m ² gross floor area (GFA)
Congregate Care	\$944	Per bed



Office of the Mayor



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INFO
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March
26

March 14, 2018

Honourable Carolé James
Minister of Finance
PO Box 9048 Stn Prov Govt
Victoria, BC V8W 9E2

RE: Employer Health Tax

Dear Minister Carole James,

We appreciate the recently announced Employer Health Tax is administratively more efficient and replaces a regressive form of taxation; however, it results in a significant cost increase to municipalities.

The direct impact of this change for the City of Maple Ridge will be a doubling of what was paid under Medical Service Plan (MSP) premiums. It is likely that there will also be indirect cost increases with Employer Health Tax implications being passed on by contracted service providers. Municipalities, unlike businesses, have not benefited from recent business tax reductions.

Municipalities have few options to cover cost increases. If unchanged, the payroll tax will result in increases to property taxes or reductions to municipal services resulting from funds being reallocated to cover the Employer Health Tax. School Districts have even fewer options to cover the increased costs, unless the Province decides to make exemptions or other adjustments to compensate.

Please consider options to attempt to make the transition to the Employer Health Tax cost neutral for municipalities.

Respectfully,

Nicole Read
Mayor

cc: ✓ UBCM Members (via emails)
Maple Ridge Council
Paul Gill, Chief Administrative Officer
Kelly Swift, General Manager: Parks, Recreation & Culture
Frank Quinn, General Manager: Public Works & Development Services

City of Maple Ridge

11995 Haney Place, Maple Ridge, British Columbia V2X 6A9 CANADA

Telephone: 604-463-5221 • Fax: 604-467-7329 • Email: enquiries@mapleridge.ca • www.mapleridge.ca



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF

THE BOARD OF VARIANCE

TUESDAY, OCTOBER 17, 2017

KALAMALKA LAKE ROOM – 9:00 a.m.

PRESENT: VOTING:

Mark Wakefield
Robin Stoddard
Tom Seifert
David O'Keefe

ABSENT: Kimberley Cooper

GUESTS: Mark Budgen – Applicant for 5350 Silver Star Road

STAFF: Carie Liefke, Planning Assistant
Janice Nicol, Legislative Committee Clerk

ORDER

The meeting was called to order at 9:03 a.m.

**ADOPTION OF THE
AGENDA**

Moved by Member Seifert, seconded by Member Stoddard:

THAT the agenda for the Board of Variance meeting of
Tuesday, October 17, 2017 be adopted.

CARRIED.

**ADOPTION OF THE
MINUTES**

Moved by Member O'Keefe, seconded by Member Stoddard:

THAT the minutes from the August 3, 2017 Board of
Variance meeting be adopted.

CARRIED.

**BOARD OF
VARIANCE
APPLICATION FOR
PROPERTY
LOCATED AT 5350
SILVER STAR ROAD**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing. No submissions were received.

The Chair called for input from the Applicant, notified public and Planning Department representative for BOV00054 – 5350 Silver Star Road.

The applicant outlined his request. Building was started prior to the curbing location being defined and the result is the foundation is now too close to the curb. It will not meet the setback requirements once the subdivision is registered.

The Chair closed the public input for BOV00054 – 5350 Silver Star Road.

Moved by Member O’Keefe, seconded by Member Stoddard;

‘BE IT RESOLVED that the Board of Variance **approve** the application submitted by the owners of 5950 Silver Star Road to reduce the required front yard setback on Lot A, Plan 40774 from 6.0 m from a garage or carport to the back of curb or sidewalk for vehicular entry to:

- a. 5.1 m from the back of curb or sidewalk for vehicular entry for proposed Strata Lot 3 EPS4330; and
- b. 5.7 m from the back to curb or sidewalk for vehicular entry for proposed Strata Lot 4 EPS4330;

as shown on survey certificate of location prepared by Monashee Surveying and Geomatics dated June 14, 2017.

CARRIED.

**BOARD OF
VARIANCE
APPLICATION FOR
PROPERTY
LOCATED AT 1330
PHOENIX RIDGE
LANE**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing. No submissions were received.

The Chair called for input from the Applicant, notified public and Planning Department representative for BOV00055 – 1330 Phoenix Ridge Lane.

The Chair closed the public input for BOV00055 – 1330 Phoenix Ridge Lane.

Moved by Member Seifert, seconded by Member O'Keefe;

'BE IT RESOLVED that the Board of Variance **approve** the application submitted by the owners of 1330 Phoenix Ridge Lane to reduce the required minimum side yard setback from 1.5 m to 1.33 m on the north side of the property, as shown on the survey certificate of location prepared by W. Maddox and dated July 7, 2017.

CARRIED.

**BOARD OF
VARIANCE
APPLICATION FOR
PROPERTY
LOCATED AT 8510
TRONSON ROAD**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing. No submissions were received.

The Chair called for input from the Applicant, notified public and Planning Department representative for BOV00056 – 8510 Tronson Road.

The Chair closed the public input for BOV00056 – 8510 Tronson Road.

Moved by Member O'Keefe, seconded by Member Stoddard;

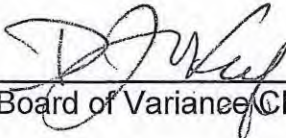
'BE IT RESOLVED that the Board of Variance **approve** the application submitted by the owners of 8510 Tronson Road to reduce the required minimum front yard setback from 4.0 m to 3.77 m as shown on the survey certificate of location prepared by Monashee Surveying and Geomatics dated Sept. 20, 2017 for Lot 25, Plan 8548.

CARRIED.

ADJOURNMENT

The Board of Variance meeting adjourned at 9:25 a.m.

CERTIFIED CORRECT:



Board of Variance Chair

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5676

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the *Local Government Act*, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the **"4005 Pleasant Valley Road Rezoning Amendment Bylaw Number 5676, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R2 – Large Lot Residential"** to **"R5 – Four-plex Housing Residential"**.

Legal Description:

**Part Lot 20 (Plan B3444) Section 2 Township 8 ODYD Plan 474
(4005 Pleasant Valley Road)**

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5676

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 26th day of February, 2018

READ A SECOND TIME this 26th day of February, 2018

PUBLIC HEARING held this 26th day of March, 2018

READ A THIRD TIME this day of , 2018

ADOPTED this day of , 2018.

Mayor:

Corporate Officer:

SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5676

"4005 Pleasant Valley Road Rezoning Amendment Bylaw Number 5676, 2018"

