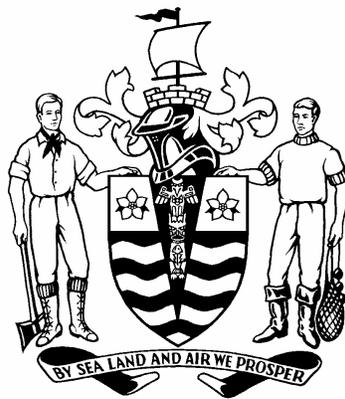


CITY OF VANCOUVER BRITISH COLUMBIA



HEALTH BY-LAW NO. 6580

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

(Consolidated for convenience only
to February 27, 2007)

BY-LAW NO. 6580

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

**[Consolidated for convenience only,
amended to include By-law No. 9432
effective February 27, 2007]**

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

1. DEFINITIONS AND INTENT

1.1 This By-law may be cited as the "Health By-law".

1.2 In this By-law, unless the context otherwise requires:

"approved" means approved in writing by the Medical Health Officer;

"bank" includes a credit union, trust company or other financial institution;

"backflow preventer" means any device or method used to prevent a backflow of contaminants into a potable water supply system.

"casino" means a gaming facility operating under a casino license issued by the B.C. Gaming Commission;

"commercial establishment" means any place or premises where goods or services are displayed, offered for sale or rental or sold or rented by retail or wholesale, but does not include a restaurant or place where the only trade or business carried on is the custom-blending of tobaccos or the sale of tobaccos, pipes, cigars or smokers' sundries;

"common public area" means an area in a multiple dwelling generally available for common use by the occupants including, but not limited to, hallways, foyers, laundry rooms and amenity areas;

"communicable disease" means any disease of a contagious or infectious nature including, but not limited to, all diseases declared to be reportable in Part I, Section 2 and Schedules A & B of the Regulations for the Control of Communicable Disease (B.C.) made under the authority of the *Health Act*;

"condemned food" means any food which has been declared by the Medical Health Officer to be unfit for human consumption;

"discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping.

"fish" means all species of fish, including molluscs and crustaceans, in any form intended for human consumption;

"float home" means any house-like structure built on a flotation system, intended for use or being used or occupied as a residence and not primarily intended for, or useable in, navigation.

"food" means any raw, cooked or processed substance or beverage intended for human consumption;

"food-dispensing machine" means a device designed to dispense food directly to the consumer;

"food establishment" means any place, building, or portion thereof and any boat or vehicle or other conveyance where food is kept, stored, manufactured, prepared, processed, dressed or handled commercially or otherwise, with or without charge, but does not include a private home;

"food-preparation vehicle" means any mobile device used for the purpose of preparing and serving food to the public;

"food-vending vehicle" means any mobile device used for the purpose of serving prepared food to the public;

"fumigant" means any poisonous gas or smoke which is used to exterminate pests;

"government office" means an office of the Government of Canada, the Government of the Province of British Columbia, a Regional District or the City of Vancouver;

"grocery store" means any retail food establishment in which the food kept consists only of fruits, vegetables and packaged goods and where no food preparation takes place;

"harbourage" means the presence of conditions conducive to the existence, continuance and increase of rodents, vermin and other destructive pests;

"isolation" means segregation of an infected person or an infected animal or bird under such conditions as will prevent the spread of disease;

"limited service food establishment" means any premises where food that is not prepackaged is prepared and served, and where no more than sixteen seats of any kind,

including chairs, stools and seats on benches, whether inside or outside, are provided for customers consuming food purchased in the establishment;

"liquor outlet" means an establishment which is licensed under the *Liquor Control and Licensing Act*;

"liveaboard vessel" means any water craft intended primarily for use in navigation and only incidentally used for residential purposes including, but not limited to, houseboats, sailboats and fishboats.

"mall" means any public area which is totally enclosed and to which commercial establishments have access, and includes food fairs and similar congregations of food establishments which are grouped together and provide common seating for patrons but does not include parts of structures otherwise defined in this By-law;

"marina" means any installation operated under public or private ownership, which provides moorage space for watercraft and includes a marina, class A and marina, class B.

"marina, class A" means any marina which provides moorage space for watercraft, including liveaboard vessels and float homes.

"marina, class B" means any marina which provides moorage space only to watercraft which are not liveaboard vessels or float homes.

"marine toilet" means any toilet on or within a watercraft.

"meat" means the edible portions of the carcasses of all animals used for human consumption and includes poultry;

"Medical Health Officer" means the Medical Health Officer and Deputy Medical Health Officer for the City of Vancouver and includes Public Health Inspectors employed by the City and any officer, official, or employee acting in the place of or for the Medical Health Officer;

"mobile food service unit" means a cart, stand or kiosk that is operated either from a fixed location or on an established daily route, is stored, cleaned and maintained at a storage or service area and from which food is served or provided to the public with or without charge;

"multiple dwelling" means any building with three or more units or rooms which are separately occupied or intended to be occupied as living accommodation for periods exceeding 1 week, but does not include any area in the building which is not normally or readily accessible to the general public or to the residential occupants of the building, and does not mean a one or two-family dwelling;

"oil" means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes, but does not include dredged spoil.

"owner" includes the registered owner or purchaser under an agreement for sale, mortgagee in possession, agent, tenant, and any person in charge or control of a building, premises, land, vehicle, machine, boat, conveyance or other chattel;

"patient" means a person who is under observation, treatment, or care for illness, disease, or injury, or who is receiving nursing care and attention, or a person who needs such care or treatment, but does not include a person who, in the opinion of the Medical Health Officer, only needs or is receiving personal care or occasional skilled care, or both;

"patio" means an outdoor seating area which is not covered, in whole or in part, by a roof or awning;

"perishable food" means any food or ingredient that is capable of supporting the growth of pathogenic organisms or the production of toxins of such organisms;

"personal service establishment" means any place or premises in which a person provides a service to or on the body of another person in exchange for money or services, and includes but is not limited to a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;

"pest" means an animal, plant, or other organism that is injurious, noxious, or troublesome, whether directly or indirectly, and an injurious, noxious, or troublesome condition or organic function of an animal, plant, or other organism;

"pesticide" means a product, organism, or substance that is a registered control product under the federal Pest Control Products Act (Canada), and that is used as a means for directly or indirectly controlling, destroying, attracting, or repelling a pest or for mitigating or preventing its injurious, noxious, or troublesome effects;

"place of employment" means any enclosed indoor place of work other than

- (i) a private home which also serves as a place of work, or
- (ii) a workplace occupied solely by an independent contractor or only by the partners to a partnership,

and includes any parts of a commercial establishment used exclusively by the employees of such premises;

"place of public assembly" means a building or structure 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 private residential dwelling;

"post" includes the act of keeping continuously displayed, except where limited in time by this By-law;

"potable water" means water which meets the Canadian Drinking Water Standards and has been approved for drinking purposes by the Medical Health Officer.

"proprietor" means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this By-law and includes the person actually in charge thereof;

"public facility" means a building or facility which is operated, wholly or in part, by or for the City of Vancouver and into which the public is invited;

"public land" means land, whether covered by water or not, which is owned or controlled by the City of Vancouver, the Greater Vancouver Regional District, the Greater Vancouver Sewerage and Drainage District, the Vancouver School Board, a college or College Council, a hospital or a Crown Corporation and which is generally accessible to the public;

"pump-out facility" means a device or method approved by the Medical Health Officer, for the removal of sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet.

"quarantine" means the period of isolation imposed by law, or under the direction of the Medical Health Officer, against the spread of disease in persons, animals and birds who have been exposed to a disease contagious to humans;

"reception area" means the public space of an office or other establishment used for the receiving or greeting of customers, clients or other persons dealing with such office or establishment, and includes a lobby;

"restaurant" means any premises used for the sale of prepared food to the public where at least seventeen seats of any kind, including chairs, stools and seats on benches, whether inside or outside, are provided for customers consuming food purchased in the establishment;

"restricted food premises" means and includes a temporary food establishment, a food-vending vehicle, and a food-dispensing machine;

"sanitary facilities" means any appliance for receiving and disposing of human waste, for personal bathing or washing, or for providing water for human consumption and includes the room in which any such appliance is installed;

"sanitize" means to carry out effective bactericidal treatment of equipment and utensils by an approved process;

"school building" means a building provided or managed by a Board of School Trustees or independent persons or organizations for the education of individuals up to the level of Grade 12;

"single service" where used to modify a container or utensil, means that such container or utensil is intended to be used only once in the service or sale of food;

"slaughter house" means any establishment or portion thereof in which animals or fowl are slaughtered;

"smoke" or "smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance, but does not include smoking by actors as part of a stage or theatrical performance;

"smoking room" means a room which conforms with the specifications in section 6.5 of this By-law,

"special waste" means that term as defined in the *Waste Management Act* (British Columbia).

"street" includes public road, highway, bridge, viaduct, lane and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property;

"supplementary food program" means a food service program to supplement the diet of handicapped or older people;

"temporary food establishment" means any food establishment operated in a fixed location on a temporary basis in connection with and during the continuance of a fair, carnival, circus, public exhibition or other public entertainment of a like nature;

"unit", where used in sections 4.30, 4.33, 4.36, 4.41 and 4.43 of this By-law, includes a fractional part thereof;

"utensil" means any equipment with which food comes in contact.

"watercraft" means any boat, hull, barge or houseboat which is afloat, whether self-propelled or not and includes pleasure and commercial craft.

- 1.3 In this By-law, words importing the singular shall include the plural number, and the converse shall also apply.
- 1.4 This By-law is intended to set standards in the general public interest. It is not intended to and does not create a duty on the City of Vancouver, the Medical Health Officer or any employee of the City of Vancouver to enforce its provisions. A failure to administer or enforce its provisions, or the incomplete or inadequate administration or enforcement of its provisions, shall not give rise to a cause of action in favour of any person. The granting of any approval or permission or issuance of any permit is not a representation, warranty or statement that the By-law has been complied with, and the issuance thereof in error shall not give rise to a cause of action. Accordingly, words defining the responsibilities and authority of the Medical Health Officer shall be construed as internal administrative directions and not as creating a duty.

2. GENERAL PROVISIONS

- 2.1 The Medical Health Officer may enter at any reasonable time upon all lands, premises, yards, vehicles, ships or buildings for the purpose of carrying out the provisions of this By-law, and no person shall interfere with, obstruct, attempt to obstruct or prevent in any way, or refuse to admit the Medical Health Officer to or upon any land, premises, yard, vehicle, ship or building for that purpose.
- 2.2 Where the Medical Health Officer is satisfied that, because of the number of occupants, a lack of cleanliness, the presence of a contagious or infectious disease or any other cause, any part or all of a building has become unfit for occupancy or has become a nuisance or in any way has become dangerous to the health of its occupants or of the public, the Medical Health Officer may, by a notice in writing, order one or more of the following:
- (a) the occupants or the owner or both of them to put the premises in proper sanitary condition;
 - (b) the occupants to vacate the premises;
 - (c) the owner to obtain vacant possession of any part or all of the building within such times as the Medical Health Officer may specify;
 - (d) the owner to close the building or part of the building and to keep it closed until its re-opening is authorized by the Medical Health Officer;

and, in addition to the foregoing or as an alternative, the Medical Health Officer may post a notice declaring any building or part of a building as unfit for occupancy and by such notice may

- (e) order any part or all of the building vacated; or

- (f) order the owner to remove all furnishings from any portion or all of the building so posted;

and any notice may contain limitations in time.

- 2.3 An occupant who has been ordered to quit a building pursuant to section 2.2 shall vacate the building when ordered by the Medical Health Officer and shall not again enter the building for the purpose of occupancy until the Medical Health Officer has given permission in writing to re-occupy the premises.
- 2.4 The Medical Health Officer may enter and inspect any building to ascertain whether or not the provisions of this By-law are being complied with, and may hold, remove or destroy, or cause the holding, removal or destruction of any goods, chattels and material found there that the Medical Health Officer determines are detrimental to public health.
- 2.5 No person shall rent to any person or allow to be occupied any living accommodation recently vacated by a person suffering from a communicable disease without first having such accommodation disinfected to the satisfaction of the Medical Health Officer.
- 2.6 The Medical Health Officer may detain, examine and prohibit the handling or disposition of any goods, foods and conveyances of any kind considered by the Medical Health Officer to be a menace to health by reason of contact with a communicable disease.
- 2.7 No person shall give, lend, receive, sell, or otherwise deal with any bedding, clothing, rags, or other articles which have been exposed to any person or animal suffering from a communicable disease or which are infested with vermin. Any person having such articles shall treat or dispose of them in a manner approved by the Medical Health Officer.
- 2.8 Where the Medical Health Officer suspects or has reason to suspect that any person is or may be suffering from or may be a carrier of a communicable disease the Medical Health Officer may issue a notice to such person requiring such persons to submit evidence, satisfactory to the Medical Health Officer, of a medical examination. Such examination may, if ordered, include laboratory examination of blood, stools, nose and throat secretions, genito-urinary secretions, urine or other material for the diagnosis of communicable diseases or carrier state or for release from isolation, or to laboratory and x-ray examination for the diagnosis of tuberculosis. The Medical Health Officer may require that the examination be done within a specified time and under specified conditions, and may require the person to enter a hospital for the examination. Every person so notified shall comply with the requirements of the notice.
- 2.9 The owner of any conveyance which has been used to transport any person having any communicable disease or the body of a person who has died from any such disease shall not allow the subsequent use of the conveyance until it has been disinfected.

3. FOOD ESTABLISHMENTS

- 3.1 The Medical Health Officer, if of the opinion that conditions in a food establishment are detrimental to health, may order such establishment to be closed to the public. When a food establishment has been closed under this section, no person shall continue to operate such establishment or resume the operation thereof without the permission of the Medical Health Officer.
- 3.2 No person shall sell or offer to sell for human consumption, food, whether packaged or not, which has been exposed to fire or smoke or water damage or has otherwise been exposed to contamination until it has been examined and approved for human consumption by the Medical Health Officer. When so approved, such food may only be sold or offered for sale if it is plainly marked and described as salvaged goods.
- 3.3 The Medical Health Officer, where of the opinion that any food intended for either human or animal consumption, or any food container by reason of its unwholesome condition, is unfit for such purposes, may order the food or food container seized and destroyed or make any other order for its disposition. Where food is from an unapproved or unknown source, the Medical Health Officer may order the food or food container detained. An order of detention shall be effective by depositing a copy of it on the food or food container and no person shall thereupon deal with such food or food container and no person shall remove or otherwise deal with the copy of the detention order except as permitted by the Medical Health Officer.
- 3.4 An operator of a food establishment who becomes aware or suspects that any employee in the establishment suffers from a communicable disease shall immediately notify the Medical Health Officer. The Medical Health Officer may prohibit the employee from handling food for such period of time deemed necessary for the protection of the general public.
- 3.5 An operator of a food establishment who receives information or otherwise becomes aware of the presence of a communicable disease on the premises shall immediately so notify the Medical Health Officer.
- 3.6 The Medical Health Officer may enter and inspect any food establishment and may conduct such tests, including the taking of samples on or off the premises without making any payment therefor, as the Medical Health Officer may feel are required, and no person shall interfere with the entry or inspection by the Medical Health Officer for such purposes.
- 3.7 The operator of every food establishment or supplementary food program shall:
 - (a) deal only with wholesome food which has been obtained from an approved source, and in its preparation, handling and storage has been kept in a clean, unadulterated and fresh condition and, when packaged, has been clearly labelled;

- (b) maintain the food establishment and all fixtures used in its operation in a clean condition and in servicable repair;
 - (c) obtain the approval of the Medical Health Officer prior to any construction, alteration or occupancy of any building or vehicle used or to be used as a food establishment;
 - (d) obtain the approval of the Medical Health Officer for any supplementary food program, in each year; and
 - (e) ensure that at all times during which food is being prepared or served there shall be on the premises at least one person who has satisfied the Medical Health Officer that he or she has a basic understanding of the relationship between the protection of health and methods of food handling.
- 3.8 Floors, walls and ceilings of rooms in food establishments where food is prepared, processed, packaged or stored, or where utensils or hands are washed, shall be of a smooth, impervious, washable material and finished in a light colour.
- 3.9 Sawdust or litter shall not be used or permitted on the floor of any food establishment, except with the written permission of the Medical Health Officer.
- 3.10 Floor drains shall be provided in all rooms in food establishments where floors are subject to the discharge of water or the escape of other liquid wastes.
- 3.11 In all food establishments, floors, walls and ceilings shall be resurfaced when required by the Medical Health Officer.
- 3.12 Every food establishment shall be equipped with lighting facilities to supply a minimum of 538 lux (50 footcandles) on every working surfaces and a minimum of 322 lux (30 footcandles) in every storage room, dressing room, sanitary facility, service area and corridor.
- 3.13 The minimum area of any food establishment shall be 28.40 square metres (300 square feet) and the minimum area of the portion thereof used for food preparation shall be 9.47 square metres (100 square feet).
- 3.14 The floor area set aside for the preparation of food in any restaurant shall be at least 0.28 square metres (three square feet) for each chair (or equivalent arrangement sufficient to accommodate one person) provided for the accommodation of customers and in no case shall be less than 9.47 square metres (100 square feet).
- 3.15 The owner of a food establishment shall provide adequate and separate dressing rooms or lockers for male and female employees, except that this provision shall not apply to restricted food premises.

- 3.16 All equipment used in a food establishment shall meet the standards established by the National Sanitation Foundation or, in the absence of such standards, be satisfactory to the Medical Health Officer.
- 3.17 In every food establishment, all equipment and utensils shall be thoroughly cleaned and sanitized after each usage and when not in use shall be stored and handled in such a manner as to protect them from contamination.
- 3.18 In any food establishment, all rooms in which food is prepared or where utensils, equipment or hands are washed shall be supplied with sinks with hot and cold water under pressure. A constant supply of hot water shall be directly available to the sinks at all times.
- 3.19 In any food establishment, water shall be supplied at a pressure sufficient for the efficient performance of mechanical washing appliances or cleaning or flushing equipment.
- 3.20 For the purpose of sections 3.21 and 3.24 the washing of equipment and utensils includes preflushing, prescraping, or presoaking necessary to remove food particles before the actual washing is performed.
- 3.21 In every food establishment where washing of utensils is done by hand, all equipment and utensils shall be:
- (a) thoroughly washed with soap or detergent and clean water of a temperature of at least 49 degrees Celsius (120 degrees Fahrenheit); and
 - (b) rinsed in clean water at a temperature not lower than 49 degrees Celsius (120 degrees Fahrenheit); and
 - (c) sanitized by one of the following processes:
 - (i) immersion for at least 45 seconds in clean water at a temperature of at least 77 degrees Celsius (170 degrees Fahrenheit); or
 - (ii) immersion for at least one minute in clean rinse water containing not less than 100 parts per million of available chlorine; or
 - (iii) immersion for at least 45 seconds in clean water containing not less than 25 parts per million of available iodine; or
 - (iv) any other method approved by the Medical Health Officer.
- 3.22 In every food establishment where manual washing of utensils is employed, a free-standing 3-compartment sink with drain boards at each end and splash protection constructed of corrosion-

resistant material on the wall side shall be provided, and each compartment shall be of sufficient size to permit the complete immersion of the equipment or utensils.

3.23 Every food establishment shall be provided with:

- (a) a slop or janitor sink; and
- (b) a 2-compartment pot or utility sink in addition to the equipment used for the washing of dishes and utensils, except in grocery stores where only a single compartment pot or utility sink need be provided.

3.24 All mechanical dishwashing, glasswashing or utensil washing machines used in a food establishment shall be designed and operated in compliance with the following:

(1) All mechanical dishwashers shall provide:

- (a) clean wash water maintained at a temperature not lower than 60 degrees Celsius (140 degrees Fahrenheit) and an appropriate soap or detergent; and either
- (b) rinse water at a temperature of 77 degrees Celsius (170 degrees Fahrenheit) at the dish level, with a rinse period of not less than 10 seconds; or
- (c) a sanitizing chemical rinse containing not less than 50 parts per million available chlorine or other chemical sanitizer approved by the Medical Health Officer, with a rinse period of not less than 15 seconds.

(2) All mechanical glasswashers shall provide a minimum wash water temperature of 48 degrees Celsius (120 degrees Fahrenheit) and a sanitizing chemical rinse containing:

- (a) 100 parts per million available chlorine; or
- (b) 12.5 parts per million iodine; or
- (c) other chemical sanitizer approved by the Medical Health Officer.

(3) All mechanical dishwashing or utensil washing machines shall be equipped with wash cycle and rinse cycle temperature gauges, and all glasswashing machines shall be equipped with wash cycle temperature gauges.

(4) If chemical sanitization is used, the operator shall determine the concentration of sanitizer in the final rinse on a regular basis and, by no means less than once every 4 hours.

3.25 Every operator of a food establishment that dispenses hard ice cream or similar frozen confections shall ensure that dispensing scoops and dippers are, between servings, kept in a dipper-well with running water, or in some other manner that will prevent bacterial growth.

3.26 No person shall be permitted to enter the food preparation area of any food establishment unless such person is an employee thereof or has business to transact therein or has some other lawful reason to go there.

3.27 No person shall use the food preparation area of any food establishment for any purpose except the preparation of food.

3.28 All food in a food establishment shall be transported, stored, prepared, displayed, served or sold in such a manner as to preclude contamination and spoilage. All perishable foods shall be maintained at all times at a temperature below 4 degrees Celsius (40 degrees Fahrenheit) or above 60 degrees Celsius (140 degrees Fahrenheit). All frozen food shall be maintained at a temperature below minus 18 degrees Celsius (zero degrees Fahrenheit) until the product reaches the final consumer.

3.29 No person shall display, or sell to the public, foods which can normally be eaten without further processing or cooking or which are perishable, unless they are:

- (a) pre-packaged;
- (b) served by food handlers;
- (c) self-served by the customer from gravity-operated hoppers; or
- (d) self-served in such other manner which precludes customer contact with the food product;

except that fresh fruits and vegetables and nuts in the shell may be displayed and sold from customer self service facilities and restaurants may display and sell food from salad bars and buffets which are fitted with protector devices to the satisfaction of the Medical Health Officer.

3.30 The operator of a food establishment shall not cause or permit the refreezing of any food once it has become thawed.

3.31 The operator of a food establishment shall ensure that milk is served only in its original container as received from the supplier, or from a bulk container of a type approved by the Medical Health Officer.

3.32 No article or container designed to provide a single service shall be used more than once in any food establishment.

3.33 Food which has once been served to any person in a food establishment shall not again be served to any other person nor used again in any form for human consumption.

3.34 In every food establishment, fruits and vegetables shall be washed before use.

3.35 Only ice that has been produced from potable water and packaged and handled in a sanitary manner shall be used or sold in a food establishment.

3.36 No person shall deliver, sell or supply milk or milk products within the City unless the milk or milk products have been pasteurized within the meaning of the B.C. *Milk Industry Act* and Regulations.

3.37 No operator of a food establishment shall store, handle, serve, process, prepare, display, distribute, transport, offer for sale or sell milk or milk products within the City unless the milk or milk products have been pasteurized within the meaning of the B.C. *Milk Industry Act* and Regulations, except when the food establishment is a dairy plant licensed to process raw milk under the B.C. *Milk Industry Act* in which case the operator may store, handle or process milk or milk products that have not been pasteurized.

3.38 All food stored or located in any food establishment shall, for the purposes of this By-law, be deemed to be intended for sale and human consumption.

3.39 No operator of a food establishment shall supply, offer for sale or sell meat, or store or keep meat, unless it is the product of an animal that has been inspected and stamped or labelled under the *Meat Inspection Act*.

3.40 Notwithstanding the provisions of section 3.39, turkeys which do not bear the Federal or Provincial stamp of inspection and approval may be sold or offered for sale to the final consumer providing that they have not been eviscerated.

3.41 No person shall eviscerate a turkey in a food establishment unless such establishment has been approved for that purpose by the Medical Health Officer.

3.42 The slaughtering of animals shall be done only in buildings and in a manner approved by the Medical Health Officer.

3.43 No operator of a food establishment shall store, handle, serve, process, prepare, display, distribute, transport, offer for sale or sell poultry eggs which are ungraded or where the shell is cracked or punctured, except that the operator of an egg grading station may store and handle such eggs for the purpose of grading and may transport and sell such eggs to a liquid egg processor.

3.44 The operator of a food establishment shall at all times, except during the grading process, maintain poultry eggs at a temperature below 4 degrees Celsius (40 degrees Fahrenheit).

3.45 Blood shall not be received on the premises or used in any food establishment without the written permission of the Medical Health Officer.

3.46 Only paper specially manufactured for the wrapping of food shall be used as a wrapper for any meat or fish and no printed paper shall be used in such a way as to come in direct contact therewith.

3.47 No person shall carry on the business of selling meat or fish by going from place to place or home to home or, except as otherwise permitted by this By-law, by soliciting business on any street, lane or other public place.

3.48 No owner or operator of a grocery store shall offer for sale or sell meat or fish unless:

- (a) it has been prepared and packaged in a food establishment approved for the preparation of meat or fish;
- (b) the package is clearly labelled with the name and address of the food establishment and the weight of its contents; and
- (c) the contents remain unopened in the package until sold.

3.49 All perishable foods served elsewhere than in the place of preparation must have printed on or fastened to the container in plain and legible letters the name and address of the person or firm packaging such perishable food and the date on which it was packaged.

3.50 No perishable food shall be delivered in any vehicle that is not fully enclosed and mechanically refrigerated.

3.51 All food-vending vehicles shall comply with the requirements of all relevant City by-laws and shall be equipped with the following approved appliances or fixtures:

- (a) a beverage dispenser if beverages are served;
- (b) refrigeration if perishable foods are served;
- (c) a heating device if hot, prepared foods are served;
- (d) a body, doors and windows of sound construction;
- (e) floors of smooth, non-absorbent material; and
- (f) a refuse container with a self-closing lid.

3.52 The Medical Health Officer, if of the belief that the condition of a food-vending vehicle poses a risk to health, may order the owner or occupant of the vehicle to have it either satisfactorily repaired and maintained or removed from service.

3.53 All food served from a food-vending vehicle which does not conform to the requirements of section 3.54 of this By-law must first have been prepared and wrapped in a food establishment and shall be served in single-use containers. With the exception of hot beverages, pretzels and popcorn, all such food must first have been wrapped in single portions at the food establishment before being served.

3.54 No person shall operate a food-preparation vehicle unless it complies with the following requirements:

- (a) a water storage tank of a capacity of at least 113.5 litres (30 gallons) equipped with apparatus to provide a continuous flow of potable water at constant pressure shall be provided;
- (b) facilities to supply hot water at a minimum of 48 degrees Celsius (120 degrees Fahrenheit) shall be available;
- (c) ventilation, lights and refrigeration operated by an independent power source shall be provided;
- (d) 2-compartment sink for washing dishes and utensils and a separate handbasin shall be provided;
- (e) a storage tank for liquid wastes of a capacity of at least 45.5 litres (10 gallons) greater than the water tank with which the vehicle is equipped shall be provided;
- (f) a minimum food preparation area of 9.29 square metres (100 square feet) shall be available;
- (g) the driver's area in the vehicle shall be physically separated from the food-preparation area;
- (h) where the food-preparation vehicle is designed to dispense individual servings, all openings into the food-preparation area shall be screened and no sliding panel shall exceed an area of .18 square metres (two square feet);
- (i) all utensils shall be of the single-use type unless approved facilities are available for the cleaning of multi-use utensils;
- (j) all liquid wastes shall be disposed into a City sanitary sewer in a manner satisfactory to the Medical Health Officer; and
- (k) the area where business is being carried on from the vehicle shall at all times be kept in a clean and sanitary condition.

3.55 The operator of a mobile food service unit shall comply with the following conditions and restrictions:

- (a) sales shall be limited to popcorn, nuts in the shell, pretzels, pre-packaged foods, hot beverages and precooked frankfurters;
- (b) approval for the design, construction and operation of the unit must be obtained from the Medical Health Officer before operating the unit;
- (c) a storage or service area must exist and be maintained in a location satisfactory to the Medical Health Officer, and be equipped with a two compartment sink supplied with hot and cold running water;
- (d) the unit must be equipped with adequate mechanical refrigeration for perishable food;
- (e) the unit must be equipped with a refuse container with a self-closing lid;
- (f) only single service utensils shall be utilized;
- (g) only single service commercially packaged condiments shall be utilized; and
- (h) only food from sources approved by the Medical Health Officer shall be utilized.

3.56 A mobile food service unit which provides for the preparation of espresso or cappuccino beverages shall be equipped with a double compartment sink deep enough to fully immerse milk steaming utensils, supplied with hot and cold running water, a potable water supply of a minimum 45.5 litre (10 gallon), a holding tank for liquid wastes and a supply of milk steaming utensils. Where milk is required to be steamed, the milk shall only be drawn from a sealed, refrigerated container. Utensils utilized for the steaming of milk shall be exchanged for cleaned and sanitized utensils not less frequently than every two hours.

3.57 No person shall dispense food by way of a food-dispensing machine unless:

- (a) the food is supplied from a food establishment which meets all the requirements contained in this By-law with respect to such establishment;
- (b) the machine, if refrigerated, is equipped with an accurate temperature gauge readable from the exterior of the dispensing machine;
- (c) a sink with a constant supply of hot and cold water under pressure, for the purpose of cleaning the machine, is installed in close proximity to the machine; and
- (d) the machine is maintained by the owner at all times in a clean and wholesome condition.

3.58 The owner of every food-dispensing machine shall provide access to its interior for inspection purposes at all reasonable hours.

3.59 All persons working in a food establishment shall wear clean outer garments, shall keep their hands clean at all times while engaged in handling food, utensils or equipment and, if engaged in preparing food, shall confine their hair by means of a cap, band or net.

3.60 No person shall use tobacco in any form in any room of a food establishment where food is cooked, prepared or displayed.

3.61 No food establishment shall be open in any degree to, or have access from, any area in the same premises used for human habitation.

3.62 The owner or person in charge of a food establishment shall keep and store food therein in such a manner as to protect it from contact with or infestation by pests.

4. SANITATION

4.1 [Deleted]

4.2 [Deleted]

4.3 [Deleted]

4.4 [Deleted]

4.5 [Deleted]

4.6 The owner of any stable shall provide and utilize a covered receptacle for the collection and storage of stable refuse and manure and shall contain liquids in the storage receptacle or drain them to a system approved by the Medical Health Officer.

4.7 If the Medical Health Officer suspects that any animal, reptile or bird is suffering from or carrying any disease transmissible to human, the Medical Health Officer may inspect or cause the inspection of such animal, reptile or bird or the land or premises where it is found, or both, and the owner, occupier, or person in charge of the animal, reptile, bird, land or building shall render all assistance necessary to and shall not hinder the Medical Health Officer in carrying out such inspection.

4.8 If the Medical Health Officer suspects that any animal, reptile or bird, alive or dead, is carrying any disease transmissible to human, the Medical Health Officer may by notice in writing order the person having custody of the animal, reptile or bird to deliver to the office of the Medical Health Officer or such other person or place designated by the Medical Health Officer the carcass of the dead animal, reptile or bird and, or in the alternative, any other material, including reports of diagnostic laboratory examinations of specimens, needed as evidence.

4.9 Where the Medical Health Officer suspects that an animal, reptile or bird has been exposed to or is carrying a disease transmissible to humans, the Medical Health Officer may order the owner or person having custody of the animal, reptile or bird to isolate or otherwise quarantine it in such manner and for such duration as deemed necessary. The Medical Health Officer may order the disposal of any contaminated material by any means not prejudicial to public health and may order the disinfection of any building, land or equipment.

4.10 An owner or other person having possession of an animal, reptile or bird who becomes aware that the animal, reptile or bird has an infectious or contagious disease transmissible to humans shall immediately notify the Medical Health Officer of the presence of the disease.

4.11 The owner or person in charge of every building shall provide the occupiers thereof with a sufficient supply of water for all household and sanitary requirements during such occupancy, and notwithstanding the provisions of any other By-law, service to any occupied building shall not be shut off if in the opinion of the Medical Health Officer the shutting off of such service will cause an insanitary condition to exist or cause a condition detrimental to the public health or to the occupants of the said building to arise, and in the event the water service is shut off it shall, when ordered by the Medical Health Officer, be restored and maintained so long as the building remains occupied.

4.12 Where, in the opinion of the Medical Health Officer, any building used for dwelling purposes (other than a one-family dwelling) is being inadequately provided with electricity, gas, heating apparatus or fuel, hot or cold running water, or sanitary facilities, the Medical Health Officer may, by way of a notice posted on the premises, require the owner to remedy the inadequacy in the manner described in the notice.

4.13 If the inadequacy specified in the notice referred to in section 4.12 is not remedied within twenty-four (24) hours of the posting of such notice, the Medical Health Officer or any person authorized by the Medical Health Officer may enter upon the premises and do all such things as may be necessary to remedy such inadequacy.

4.14 All costs incurred by the Medical Health Officer in carrying out the remedial work referred to in section 4.13 may be recovered from the owner in any Court of competent jurisdiction or, after certification by the Medical Health Officer, such costs may be entered by the Collector of Taxes in the real property tax roll with respect to such premises.

4.15 The contractor or person in charge of any construction project shall provide an ample supply of wholesome drinking water and adequate sanitary facilities for persons engaged on the project in a manner satisfactory to the Medical Health Officer.

4.16 No owner of any land or building shall permit the accumulation thereon or therein of any refuse, waste, or noxious substance, whether of organic or inorganic origin.

4.17 No person shall deposit or cause to be deposited refuse, organic or inorganic waste, or noxious substance, upon any land or waters or upon any improvement constructed in, on or over such land or waters.

4.18 The owner or occupier of land used to provide space for the placement of a garbage container shall:

- (a) maintain the area adjacent to the container in a tidy and sanitary condition;
- (b) maintain the container in a condition that is not noxious or offensive or dangerous to the public health; and
- (c) provide that the container is emptied frequently enough to ensure that its contents do not overflow or otherwise constitute a nuisance.

4.19 Where the Medical Health Officer believes that there is a contravention of a provision of section 4.18 the Medical Health Officer may order the owner or occupant:

- (a) to remedy the condition within a time specified in the order;

and in the event of a failure to comply with such order, or alternatively

- (b) to remove the container within 48 hours.

4.20 Where any person has failed to comply with an order pursuant to section 4.19(b) the City or an agent thereof may enter the property and remove the container, such removal to be at the cost of the person who has failed to comply with the order.

4.21 No person shall expectorate, urinate or defecate in or on any public street, lane or park except in any public facility specifically provided for that purpose.

4.22 The owner or operator of a laundry shall handle and store dirty clothes and linen in a way that keeps them completely separate and apart from clean clothes and linen.

4.23 No person shall, except as hereinafter provided, dispose of any sewage or other liquid waste except by means of a connection with the City sewer system, if available. If no City sewer is available for such connection the Medical Health Officer shall prescribe the method of disposal.

4.24 No person owning a building shall permit its use for human occupancy unless it is provided with at least one flush water closet and one hand wash basin or sink.

4.25 Any room containing one or more water closets or urinals shall be completely separate from all other rooms in the building.

4.26 Except in the case of single-family residences or dwelling units, a water closet installed in a room with other sanitary facilities shall be partitioned to afford privacy, and shall have the floor and walls, to a height of 5 feet, constructed of impervious material.

4.27 The owner of a building shall maintain the sanitary facilities installed therein in a clean condition.

4.28 The owner of any temporary building, structure or tent intended for human occupation shall provide sanitary facilities therein to the satisfaction of the Medical Health Officer.

4.29 The owner of a building used for commercial, industrial, or office purposes, but not including that portion used as a restaurant or a lodging house, shall provide and maintain sanitary facilities designated for each sex and accessible via separate entrances as required by any other by-law relating to the construction of the building.

4.30 The owner of a restaurant shall provide and maintain sanitary facilities for patrons in accordance with the capacity of the restaurant as follows:

Seating Capacity	MALE		FEMALE	
	Water Closets	Handbasins	Water Closets	Handbasins
1 - 50	1	1	1	1
51 - 100	2	1	2	1
101 - 200	3	2	3	2
201 - 300	4	2	4	2
301 - 400	5	3	5	3
401 - 500	6	3	6	3

Over 500: Where the number of seats exceeds 500 there shall be provided one additional water closet for each additional unit of 100 seats.

4.31 Public sanitary facilities in a food establishment shall be situated so that patrons may reach them without passing through a food preparation room.

4.32 In all food establishments, rooms containing water closets or urinals shall be provided with self-closing, tight-fitting doors, and shall not open into any room or other area where food, drink or utensils are handled or stored.

4.33 The owner of a building or part of a building used for a school, office, factory, retail or commercial purpose, including a food establishment, shall provide and maintain sanitary facilities for staff in accordance with the maximum number of persons employed or engaged therein on any one shift as follows:

Number of Persons of Each Sex*	MALE		FEMALE	
	Water Closets	Handbasins	Water Closets	Handbasins
1 - 10	1	1	1	1
11 - 25	2	1	2	1
26 - 50	3	2	3	2
51 - 75	4	2	4	2
76 - 100	5	3	5	3

Over 100: Where the number of persons exceeds 100 there shall be provided one additional water closet for each additional unit of 30 persons of each sex and one additional handbasin for each additional unit of 60 persons of each sex.

(*where exact numbers not known, assume a 50:50 ratio)

4.34 The sanitary facilities for patrons of a restaurant shall be separate from those for employees except, however, where maximum staff in a restaurant does not exceed two (2) persons and the seating does not exceed twenty-five (25), in which case one of the public washrooms may be utilized by the staff.

4.35 Notwithstanding section 4.33, any restaurant with a staff of six or less persons of both sexes on duty at any one time shall be permitted to utilize a common staff washroom.

4.36 Notwithstanding section 4.33, a limited service food establishment shall be permitted to operate with a public washroom only, provided that a handbasin for the use of food handlers is located within the food preparation area.

4.37 The owner of a school building or a part of a building used for school purposes shall provide and maintain sanitary facilities for pupils as follows:

- (a) primary schools shall have at least one water closet for each 30 males and one water closet for each 25 females; and

- (b) secondary schools, lecture halls, colleges, auditoria and similar occupancies shall have as follows:

Number of Persons of Each Sex*	MALE		FEMALE	
	Water Closets	Handbasins	Water Closets	Handbasins
1 - 25	1	1	1	1
26 - 50	1	1	2	1
51 - 75	2	1	3	2
76 - 100	2	1	4	2
101 - 150	3	2	5	3
151 - 200	4	2	6	3
201 - 300	5	3	7	4
301 - 400	6	3	8	4

Over 400: Where the number of persons exceeds 400 there shall be provided one additional water closet for each additional unit of 200 males and one additional water closet for each additional unit of 150 females.

(*where exact numbers not known, assume a 50:50 ratio)

4.38 At least one handbasin shall be provided in a room containing one or two water closets or urinals, and at least one additional handbasin shall be provided for each additional two such fixtures. The required handbasins shall be provided with both hot and cold running water.

4.39 Every operator of a food establishment shall provide and maintain a minimum of one handbasin for the use of food handlers or other persons engaged in the operation of the food establishment. Such handbasin shall be located within or convenient to the food preparation area and shall be supplied with hot and cold running water, liquid soap in dispensers and approved single-use towels or warm air hand dryers.

4.40 Urinals may be substituted for up to two-thirds of the number of water closets required by this by-law except where, by application of section 4.30, 4.33 or 4.37, only 2 water closets are required, one urinal may be substituted for one of the water closets.

4.41 The owner of a school building or part of a building used for school purposes, shall provide and maintain drinking fountains of a type approved by the Medical Health Officer on each floor with classrooms.

4.42 The owner of a play school or kindergarten shall provide and maintain water closets and hand wash basins as follows:

1 water closet for every unit of 15 pupils; 1 hand wash basin for every unit of 15 pupils.

4.43 All places designed for outdoor gatherings with seats provided for spectators shall also be provided with such sanitary facilities as may be specified by the Medical Health Officer.

4.44 The owner of a theatre or auditorium with a seating capacity of 800 or less shall provide and maintain 3 water closets and 2 hand wash basins for the use of females; and 2 water closets, 2 urinals and 2 hand wash basins for the use of males; and where the seating capacity exceeds 800, 1 additional water closet and 1 additional hand wash basin for the use of females and 1 additional water closet or urinal and 1 additional hand wash basin for the use of males for each additional unit of 400 seats.

4.45 The projection suite of any moving picture theatre shall be provided with a handbasin or sink and a water closet.

4.46 The owner of a gasoline service station shall provide and maintain sanitary facilities as follows:

- (a) self service stations (gas only), a minimum of one water closet and one handbasin for combined use by the staff and the public;
- (b) service stations providing one or more services (other than retail food), in addition to the sale of gas, a minimum of one water closet and one handbasin for staff use and one water closet and one handbasin for public use;
- (c) service stations providing food service involving food preparation in addition to selling gas, one water closet and one handbasin for the exclusive use of the food handlers in addition to either (a) or (b).

5. PEST CONTROL AND PESTICIDES

5.1 All buildings, sewers, drains and culverts shall be constructed, repaired or equipped by the owner thereof so as to prevent pests from gaining access to them.

5.2 Every owner of land or buildings shall keep such land or buildings in such a condition that it will not afford any harbourage for or become infested with pests.

5.3 The owner of any land or building which has become infested with pests shall take the necessary steps to eliminate the infestation and shall thereafter maintain the land or building free of pests.

5.4 No person shall engage in any work with a fumigant without first obtaining a permit from the Medical Health Officer, which permit shall be valid for one year only.

5.5 No person shall use a fumigant in any building without, at least 24 hours prior to the intended time of application, having given notice in writing to the Medical Health Officer, the Fire Chief and the Chief Constable.

5.6 Where a fumigant is being used in a building, the owner of the building shall securely seal it, have it guarded by security personnel, and have it posted with warning signs to the satisfaction of the Medical Health Officer.

5.7 No person shall establish a fumigating room or chamber in any building or a room for storage of fumigants without first obtaining a permit from the Medical Health Officer. Such permit shall be for one year only. The Medical Health Officer may refuse to grant such a permit.

5.8 No person shall apply a pesticide to any units or rooms occupied as living accommodation in a multiple dwelling unless the occupants of such units or rooms have been notified in writing at least 72 hours prior to the intended date of application. Such notice shall conform with the provisions of section 5.11.

5.9 No person shall apply a pesticide in a public facility or to a common public area without, at least 72 hours prior to the intended date of application, having posted a notice at the site of application. Such notice shall remain posted for not less than 72 hours after application and shall conform with the provisions of section 5.12 and be prominently displayed and easily visible. At least one additional notice shall be posted in the main entrance lobby of the building where the pesticide is to be applied.

5.10 No person shall apply a pesticide to public land or the grounds of a multiple dwelling without having first posted notices on the site at least 72 hours in advance of the application. Such notices shall remain posted for not less than one week after application and shall conform with the provisions of sections 5.13 and 5.14.

5.11 The notice referred to in section 5.8 shall contain the following information:

- (a) a description of the area to be treated and the common name of the pest;
- (b) the common trade name, active ingredient and concentration of the pesticide;
- (c) the date and time of the proposed application;
- (d) the name and telephone number of the person who will apply the pesticide;
- (e) the words "For more information contact Agriculture Canada's National Pesticide Information Service";

- (f) advice and precautions for the occupants; and
- (g) the words "If you require emergency medical information, the Poison Control Centre telephone number is _____." (insert here the current telephone number for the Poison Control Centre, otherwise known as the British Columbia Drug and Poison Information Centre and located in Vancouver).

5.12 The notice referred to in section 5.9 shall contain the following information:

- (a) the word "ATTENTION" in bold face, red colour, at least 2.5 cm in height, and followed by "This area will be (has been) chemically treated on or after (date)" or words of equal effect;
- (b) the common trade name, active ingredient and concentration of the pesticide used;
- (c) the date and time of the pesticide application;
- (d) the name and telephone number of the person applying the pesticide;
- (e) the words "AVOID CONTACT WITH TREATED AREAS"; and
- (f) the words "If you require emergency medical information, the Poison Control Centre telephone number is _____." (insert here the current telephone number for the Poison Control Centre, otherwise known as the British Columbia Drug and Poison Information Centre and located in Vancouver);

and shall be constructed in the following manner:

- (g) rectangular in shape;
- (h) at least 20 cm by 28 cm in size; and
- (i) designed such that the lettering is at least 1 cm high, in capitals and in a contrasting colour to the background.

5.13 The notice referred to in section 5.10 shall contain the following information:

- (a) the word "WARNING" in bold face, red colour, at least 2.5 cm in height, and followed by "This area will be (has been) chemically treated on or after (date)" or words of equal effect;
- (b) the common trade name, active ingredient and concentration of the pesticide used;

- (c) the date and time of the pesticide application;
- (d) the name and telephone number of the person applying the pesticide;
- (e) the words "AVOID CONTACT WITH TREATED AREAS"; and
- (f) the words "If you require emergency medical information, the Poison Control Centre telephone number is . ." (insert here the current telephone number for the Poison Control Centre, otherwise known as the British Columbia Drug and Poison Information Centre and located in Vancouver);

and shall be constructed in the following manner:

- (g) rectangular in shape;
- (h) at least 28 cm by 43 cm in size;
- (i) made of durable, rain resistant material; and
- (j) designed such that the lettering is at least 1.5 cm high, in capitals and in a contrasting colour to the background.

5.14 Where a pesticide is applied to the grounds of a multiple dwelling, the notices referred to in section 5.10 shall be posted at intervals not exceeding 25 metres around the perimeter of the treated area. Where a pesticide is applied to public land where the treated area is greater than .8 hectare (two acres) in size, the notices referred to in section 5.10 shall be posted at all major public entry points and where the treated area is less than .8 hectare (two acres) in size, around the perimeter of the treated area. All notices referred to herein shall be posted in conspicuous locations so as to be visible from both within and outside of the treated area.

5.15 Notwithstanding the time periods set out in sections 5.8, 5.9 and 5.10, in situations where, in the opinion of the Medical Health Officer, an emergency situation exists which makes it impossible to provide the required notice, the Medical Health Officer may permit a shorter time period for notification prior to the application of the pesticide.

5.16 No person shall apply a pesticide in a multiple dwelling unless such person either holds a valid applicator certificate (structural) pursuant to the Pesticide Control Act Regulation (B.C.) or is supervised by the holder of such certificate who is in attendance.

5.17 Despite anything to the contrary set out in this section 5, a person must not apply, or suffer or permit the application of, pesticides within the city, except:

- (a) to disinfect swimming pools, whirlpools, spas, or wading pools;
- (b) to purify water intended for the use of human beings or animals;

- (c) within an enclosed building, being an area closed in by a roof or ceiling and walls with appropriate openings for ingress or egress equipped with doors which are kept closed except when actually in use for ingress or egress;
- (d) to control termites;
- (e) to control or destroy a health hazard;
- (f) to control or destroy pests which have caused infestation to property, being the presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage;
- (g) to exterminate or repel rodents;
- (h) as a wood preservative;
- (i) as an insecticide bait enclosed by the manufacturer in a plastic or metal container made in a way that prevents or minimizes access to the bait by human beings and pets;
- (j) as an insect repellent for personal use; or
- (k) that a person may use a pesticide that is or contains any of the active ingredients set out in Schedule A to this By-law.

5.18 No person shall deposit food or grain on any street or on land owned by the City, except in litter cans provided by the City for the purpose of receiving garbage and litter.

6. SMOKING RESTRICTIONS

6.1 No person shall smoke

- (a) in a restaurant, a limited service food establishment, a casino, a bingo hall or a liquor outlet except in a patio or in a smoking room,
- (b) in a mall,
- (c) in any part of a building that is generally open to and accessible by the public or generally available for common use by the occupants including, but not limited to, hallways, foyers, stairways, elevators, escalators, laundry rooms, washrooms and amenity areas,
- (d) in a taxi cab or limousine except with the consent of all passengers and the driver,

- (e) in a school bus, public bus or other form of public transportation,
- (f) in a hotel or motel room designated by the proprietor as non-smoking,
- (g) in a place of public assembly except in a smoking room,
- (h) in any part of a commercial establishment except in a patio or in a smoking room,
- (i) in any place of employment not referred to in any other clause of this section 6.1 except in a smoking room.

6.2 No proprietor of a restaurant, limited service food establishment, casino, bingo hall, liquor outlet, mall, place of public assembly, commercial establishment or place of employment shall permit a person to smoke in their establishment except as provided for in section 6.1.

6.3 [Deleted]

6.4 [Deleted]

6.5 Where smoking is permitted in a smoking room by this By-law the smoking room shall be

- (a) no larger than 10% of the floor area of the portion of the building, structure, place or area that is generally open to and actively used by the public but not including foyers, stairways, washrooms and cloakrooms, or 23.23 square metres, whichever is the smaller,
- (b) physically separated from the rest of the premises and sealed with four walls, a ceiling and a tight-fitting door,
- (c) separately heated, cooled and ventilated from the rest of the premises,
- (d) exhausted to the outside so as to provide a negative pressure within the room, and
- (e) equipped so that its only use is to permit persons to smoke.

6.6 A proprietor of premises who has established a smoking room shall ensure that smoking by employees is restricted to the smoking room, however no employee of the premises shall be required to enter the room while it is occupied by smokers.

6.7 The proprietor of any building, structure, space, place or area where smoking is prohibited by this By-law shall post a sign in proximity to the front entrance indicating "THIS IS A SMOKE-FREE ENVIRONMENT - NO SMOKING".

6.8 A proprietor who has established a smoking room shall post signs

- (a) in proximity to the front entrance indicating “WARNING: EXPOSURE TO TOBACCO SMOKE INCREASES HEALTH RISKS INCLUDING CANCER - SMOKING IS PERMITTED IN SMOKING AREAS ONLY” and the words “Medical Health Officer” at the bottom right hand corner of the sign,
- (b) in the non-smoking area indicating “NO SMOKING IN THIS AREA”, and
- (c) in the smoking area indicating “SMOKING AREA - SMOKING PERMITTED”.

6.9 [Reserved]

6.10 All signs required to be posted pursuant to sections 6.7 and 6.8 shall conform to the following specifications:

- (a) All signs shall include the text “City of Vancouver Health By-law” in letters not less than one quarter of the height of all other letters on the sign and shall display the international symbol to designate “No Smoking” or, in the case of areas where smoking is permitted, the international symbol to designate “Smoking Permitted”. Such symbol shall occupy not less than 25 percent of the size of the sign.
- (b) Signs shall consist of at least two contrasting colours, or if the lettering is to be applied to a clear panel then the lettering shall contrast to the colour of the background.
- (c) Signs shall be of the minimum size of 30 cm by 15 cm (12 in. by 6 in.)
- (d) Except for the text specified in clause (a), the size of lettering shall be not less than the following heights based upon the following maximum viewing distances in direct line of sight:

<u>Viewing Distance</u>	-	<u>Letter Height</u>
Up to 3 m (10 ft.)	-	1.27 cms (.5 in.)
Up to 6.1 m (20 ft.)	-	5.1 cms (2 in.)
Up to 12.2 m (40 ft.)	-	7.6 cms (3 in.)
Up to 24.4 m (80 ft.)	-	10.2 cms (4 in.)
Up to 48.8 m (160 ft.)	-	15.5 cms (6 in.)
Up to 73.1 m (240 ft.)	-	20.3 cms (8 in.)

- (e) Lettering may be in either upper or lower case or combination thereof but "letter height" when used in this section means the actual height of a letter whether or not it is in upper or lower case.

6.11 No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this By-law.

7. MARINAS

7.1 No person shall construct a marina or make structural or mechanical renovations without first obtaining the approval of the Medical Health Officer.

7.2 Any person owning or operating a marina shall supervise the operation of the marina and maintain the operation in conformance with the requirements of this by-law.

7.3 The Medical Health Officer may make such inspections as are necessary to determine satisfactory compliance with these standards and may enter any marina at any reasonable time to inspect.

7.4 The provisions of sections 7.5, 7.14, 7.21, 7.22, 7.23 and 7.25 of this by-law shall not apply to marinas in existence as of February 18, 1992, except where a building permit is issued for alterations or additions to the marina and the total value of the alteration or additions, as calculated pursuant to the City of Vancouver's Building By-law, exceeds 50% of the actual value of the marina as determined by the Assessment Authority of British Columbia at the time that the building permit is issued.

7.5 An adequate supply of potable water under pressure shall be available:

- (a) at all marinas at a distance not greater than 300 metres, or such greater distance as approved by the Medical Health Officer, from any watercraft at the marina; and
- (b) 24 hours a day, every day on which the marina is in operation.

7.6 Each moorage space for liveaboard vessels and float homes shall be provided with a potable water connection and a sanitary sewer connection.

7.7 Where potable water is supplied to dockside watering points or watercraft connections, the potable water supply and each berth connection shall be protected with backflow prevention devices that comply with the Water Works and Building By-laws.

7.8 Potable water supplied to watercraft shall be conveyed in such a manner as to maintain the quality and safety of the water.

7.9 No person shall establish or extend a water system in a marina without first obtaining approval from the Medical Health Officer.

7.10 No person shall discharge oil from any watercraft moored at a marina.

7.11 Every marina owner shall post and maintain notices in conspicuous locations prohibiting the discharge of sewage or oil.

- 7.12 A person shall only discharge sewage from any marina into an approved sanitary sewer.
- 7.13 No owner or occupant of a liveaboard vessel shall berth, occupy or permit to be occupied, such craft at a marina without connecting it to an approved sewage disposal system.
- 7.14 Every operator of a marina with more than 10 moorage spaces shall provide an easily accessible pump-out connection for visiting vessels and non-liveaboard vessels.
- 7.15 Pump-out facilities shall discharge into the sanitary sewer and shall be designed, operated and maintained so as to prevent any discharge of sewer onto docks or into adjacent waters.
- 7.16 All sewer pipes shall be located beside or underneath the surface of the dock walkway and so that they are at no time submerged below water.
- 7.17 No person shall discharge garbage from any watercraft moored at a marina or from a marina dock.
- 7.18 Every marina owner shall:
- (a) post and maintain notices in conspicuous locations within the marina stating the location of garbage containers and that garbage shall be disposed only at the garbage container area;
 - (b) provide an adequate number of covered containers for the collection of garbage, located conveniently where they can be readily seen and used;
 - (c) make provisions for the regular servicing and emptying of garbage containers so as to prevent overflowing, foul odors, fly breeding and the attracting of pests;
 - (d) provide containers designed for the collection and disposal of special waste from the marina operation; and
 - (e) maintain the marina property and buildings free of pests and of conditions which attract, provide harbourage for or promote the propagation of pests.
- 7.19 Every marina owner shall ensure that:
- (a) buildings, docks, floats, gangways, piers and ramps are kept in good repair;
 - (b) all float walkways having access to the upland area are a minimum of 2 metres wide;
 - (c) all float walkways providing direct access to watercraft are a minimum of .75 metres wide;

- (d) all inclined walkways and ramps have non-skid surfaces and handrails;
- (e) all areas throughout the marina are illuminated to a minimum average level of 53 lux;
- (f) life rings, assist poles or ladders from docks into the water are provided and are conveniently located and readily accessible for use; and
- (g) there is at least one public telephone available at all times within the marina for emergency use.

7.20 The Medical Health Officer may relax any of the requirements of section 7.19, when the Medical Health Officer is satisfied that public safety is protected.

7.21 Separate sanitary facilities shall be:

- (a) provided and maintained for both sexes at all marinas;
- (b) located within 300 metres (984 feet) walking distance from any watercraft moored at the marina or such greater distance as approved by the Medical Health Officer; and
- (c) available for use 24 hours a day while the marina is in operation.

7.22 The sanitary facilities at a marina shall consist of a minimum of one water closet and one handbasin for males and one water closet and one handbasin for females for each 100 moorage spaces or part thereof, except that:

- (a) up to one half of the total number of water closets required for males may be substituted with urinals; and
- (b) a marina with less than 10 moorage spaces shall provide one water closet and one hand basin only.

7.23 Every marina, class A shall provide a minimum of one shower for males and one shower for females for each 100 moorage spaces or part thereof.

7.24 The sanitary facilities at a marina shall be provided with an adequate supply of toilet tissue, hand soap and single service towelling.

7.25 Every owner of a marina, class A shall provide a laundry room separate from the sanitary facilities containing laundering and drying facilities for the use of persons living aboard watercraft, except that the Medical Health Officer may exempt a marina, on a time-limited basis, from this provision if commercial laundry facilities are located nearby the marina, class A.

7.26 Every marina owner shall:

- (a) finish the interior of the sanitary facilities and the laundry rooms with materials permitting easy cleaning;
- (b) ensure that the interior of the sanitary facilities and the laundry rooms are well illuminated and ventilated;
- (c) keep the sanitary facilities, laundry rooms and fixtures clean and in good repair; and
- (d) post and maintain signs in conspicuous locations on the docks of a marina indicating the location of sanitary facilities and laundry rooms.

8. MISCELLANEOUS

8.1 The proprietor of an establishment licensed under the British Columbia *Liquor Control and Licensing Act* shall install and maintain signs warning of Fetal Alcohol Syndrome as follows:

- (a) where the premises are licensed to permit the consumption of alcoholic beverages on the premises, there shall be one sign conspicuously displayed in each public washroom located within the premises;
- (b) where the premises are licensed to permit the sale of alcoholic beverages for off-premises consumption, there shall be at least one sign, located so it is clearly visible from all locations where the sale or dispensing of the alcoholic beverage takes place;
- (c) every sign shall have a minimum dimensions of 21.5 cm (8.5 inches) wide by 13 cm (5 inches) high, with lettering in bold print, black on a white background and at least 1 cm (3/8 inch) in height; and
- (d) the wording of the signs shall be as follows:

"PREGNANCY and ALCOHOL DO NOT MIX
Protect your baby. Do not drink wine, beer
or other alcoholic beverages during pregnancy."

9. ENFORCEMENT AND PENALTIES

9.1 Whenever a violation of any provision of this By-law occurs by reason of:

- (a) the existence of a condition on land or premises which is not in conformity with a provision of this By-law; or

- (b) the doing of some act prohibited by this By-law; or
- (c) the failure to do some act required to be done by this By-law,

then in any such case the Medical Health Officer may give notice:

- (d) to the owner of such land or premises requiring such person to bring such land or premises into conformity with the provisions of this By-law; or
- (e) to the person doing or causing to be done the act prohibited by this By-law, requiring such person to cease doing such prohibited act; or
- (f) to the person failing to do the act required to be done by this By-law, requiring such person to do the act.

9.2 Every person shall comply with a notice given pursuant to any provisions of this By-law, and any person who fails to comply with the requirements contained in such notice or who fails to comply with the requirements within the time prescribed therein shall be deemed to be guilty of a violation of this By-law and shall be liable to the penalties here imposed.

9.3 Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law, shall be deemed to be guilty of an offence against this By-law and shall be liable to the penalties hereby imposed.

9.4 Every person who commits an offence against this By-law is liable to a fine and penalty not exceeding \$2,000.00 and not less than \$100.00 for each offence.

9.5 Every person who commits an offence of a continuing nature, is liable to a fine not exceeding \$50.00 for each day such offence is continued.

9.6 Notwithstanding the minimum fine referred to in section 9.4, every person who commits an offence against section 9.2 by failing to comply with a notice is liable to a fine of not less than \$500.00 for each offence.

9.7 By-law No. 4387 is repealed.

9.8 This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 7th day of November, 1989.

(signed) Gordon Campbell
Mayor

(signed) Maria Kinsella
City Clerk

#79234v4

SCHEDULE A

- acetic acid
- animal repellents except thiram
- anti-fouling paints
- antispain wood preservatives
- asphalt solids (pruning paints)
- bacillus thuringiensis kurstaki (Btk)
- bactericides used in petroleum products
- boron compounds
- boron compounds with up to 5% copper for insect control and wood preservation
- capsaicin
- cleansers
- corn gluten meal
- d-phenothryn
- d-trans-allethrin, also referred to as d-cis, trans allethrin
- deodorizers
- fatty acids
- ferric phosphate
- ferrous sulphate
- hard surface disinfectants
- insect bait stations
- insect pheromones
- insect repellents
- laundry additives
- material preservatives
- methoprene
- mineral oils for insect and mite control
- n-octyl bicycloheptene dicarboximide
- naphthalene for fabric protection
- paradichlorobenzene for fabric protection
- pesticides in aerosol containers
- pesticides registered under the Pest Control Products Act (Canada) for application to pets
- piperonyl butoxide
- plant growth regulators
- polybutene bird repellents
- pyrethrins
- resmethrin
- rotenone
- silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel
- silicon dioxide, also referred to as "diatomaceous earth"
- slimicides
- soaps

- sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide
- surfactants
- swimming pool algicides and bactericides
- tetramethrin
- wood preservatives