

ITEM	1
MANAGER'S REPORT NO.	46
COUNCIL MEETING	92/06/29

TO: ACTING MUNICIPAL MANAGER 1992 JUNE 24

FROM: ACTING CHIEF PUBLIC HEALTH INSPECTOR

SUBJECT: PROVINCIAL TICKETING PROGRAM AND PROPOSED
NEW FEE-FOR-SERVICE

PURPOSE: TO PROVIDE COUNCIL WITH INFORMATION ON THE PROVINCIAL
TICKETING PROGRAM AS WELL AS INFORM MEMBERS OF COUNCIL
ON THE CURRENT STATUS OF THE PROPOSED PROVINCIAL
FEE-FOR-SERVICE

RECOMMENDATION:

1. THAT the Mayor be requested to write to the Ministry of Health requesting that the start date, for the proposed new fee-for-service for Burnaby, be postponed to 1993 January 01.

REPORT

1.0 INTRODUCTION:

At the regular Council Meeting on 1992 June 22, Council received under Correspondence and Petitions, correspondence from the Province of British Columbia, Ministry of Health, dated 1992 June 11, regarding the introduction of the Public Health Protection Violation Ticketing Program and a proposed new fee-for-service system.

The following report provides information on the current status of the above subject correspondence.

Although staff have heard on an informal basis about the proposal of a fee-for-service, to date only three official pieces of correspondence have been received. The first being a News Release dated 1992 March 27, the second dated 1992 June 11 to Mayor Copeland and the third to Dr. Hemming, none of which explained the proposed program in any detail.

2.0 PROVINCIAL TICKETING PROGRAM:

The Violation Ticketing Program for Public Health Protection was approved by Order in Council No. 410, 1992 March 27, effective date 1992 April 01 (see Attachment #1). The Violation Ticketing Program for Public Health Protection was established to provide a tool for compliance with established health standards set out in the Health Act and other regulations under the program. Medical Health Officers and Environmental Health Officers/Public Health Inspectors were appointed as Enforcement Officers and have been empowered by Regulation of Attorney General M37A (see Attachment #2) to issue tickets ranging from \$100.00 to \$300.00 for offenses related to such matters as the sale of unfit food, sewage disposal, swimming pools, drinking water contamination, sanitation and or environmental damage.

Under the Provincial Ticketing Program all tickets issued would be paid at and collected by the Motor Vehicle Branch with all moneys going to Provincial General Revenue.

The ticketing program is optional for the municipality and is currently being reviewed by staff as to its effectiveness as well as how it fits in with our educational approach to compliance.

3.0 PROPOSED NEW FEE-FOR-SERVICE:

Environmental Health staff have been in discussion with Mr. Andrew Hazelwood, Executive Director, B.C. Environmental Health Protection, to discuss details and concerns associated with the implementation of a fee-for-service program. The province will have the ability, under new proposed legislation, to charge a fee-for-service. The fee would apply to certain commercial ventures that require Ministry of Health Operating Permits. These include restaurants, swimming pools and drinking water systems. It is our understanding that should the legislation be approved by cabinet, the charge for a Provincial Operating Permit will be Law. The approximate cost for each permit being between \$100.00 and \$300.00 depending on the size of the operation, i.e. seats in a restaurant, square footage of a pool, or number of water connections in a water system.

In a letter dated 1992 June 17, received from Mr. Brian D. Copley, Assistant Deputy Minister, Community and Family Health, to Dr. Hemming, the following was stated:

"Revenue from this program, due to begin 1992 June 30, can be retained by the local municipalities/regional district to enhance Public Health Protection Services, including improved inspection, environmental health monitoring and education programs for industry, without an offsetting reduction in the level of your current Public Health Grant"

From this, it is staff's understanding that moneys collected through the proposed fee-for-service program is new revenue and can be retained by the municipality to enhance Public Health Protection Services. In further discussions with Victoria staff, we have been advised that although the money can be retained by the municipality, they are accountable to Victoria for its use in Public Health Protection Services.

PROVINCIAL TICKETING PROGRAM AND
PROPOSED NEW FEE-FOR-SERVICE SYSTEM
1992 JUNE 24

.....3

ITEM 1
MANAGER'S REPORT NO. 46
COUNCIL MEETING 92/06/29

Staff have been further advised, during informal discussions with the province, that although the ticketing program is optional, the proposed fee-for-service under regulation would make it a mandatory program throughout the province.

Burnaby currently has approximately 650 permitted food premises and 170 permitted pools. Based on an average permit fee of \$175.00 this would generate \$143,500. It is not known at this time on what basis the G.V.W.D. water system would be permitted.

It should be noted that costs associated with the implementation of this program would include additional inspectional staff to inspect and monitor permitted premises, clerical support, Finance Department support and additional computer costs. The total detailed costs associated with this program cannot be evaluated until complete program details have been received and finalized. However, it is not anticipated that an increase in the Municipal Tax Draw will result from the proposed new fee-for-service, providing there is sufficient revenue from permits to offset the costs and the municipality retains the revenue as outlined by Brian Copley, Assistant Deputy Minister, in his letter of 1992 June 17.

4.0 CONCLUSION:

Environmental Health Services staff have been in discussion with Ministry of Health staff regarding the start-up of both the Provincial Ticketing Program and the proposed new fee-for-service. The Provincial Ticketing Program is optional and is being reviewed as to its effectiveness and how it fits into and or enhances our current educational approach to compliance. The proposed new fee-for-service is also being reviewed but, as it has much more of an impact on Environmental Health Services as well as permitted premises and other municipal departments with regard to its implementation, the 1992 June 30 start date is not possible. Furthermore, since the legislation has not yet been passed in Provincial Cabinet, a more appropriate start date would be 1993 January 01.



K.C. Johnston, C.P.H.I.(C)
ACTING CHIEF PUBLIC HEALTH INSPECTOR

KCJ/gl

Attachments

cc: Medical Health Officer
Director Administrative &
Community Services
Director Finance

APR 13 '92 12:25 ORDERS IN COUNCIL PROVINCE OF BRITISH COLUMBIA

P.1 #.1

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 410 - Approved and Ordered MAR 27 1992

104


Lieutenant Governor

Executive Council Chambers, Victoria MAR 25 1992

On the recommendation of the Attorney General made after consultation with the Chief Judge of the Provincial Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 1, 1992, B.C. Reg. 423/90, the Violation Ticket Administration Regulation, is amended as set out in the attached Appendix.

ITEM	1
MANAGER'S REPORT NO.	46
COUNCIL MEETING	92/06/29


Attorney General


Presiding Member of the Executive Council

This part is for administrative purposes only and is not part of the Order.

Authority under which Order is made:

Act and sections: OXFORD Act, section 17.1

Other (specify): O.C. 163/90

March 12, 1992

482 92/13/67a

ITEM 1
 MANAGER'S REPORT NO. 46
 COUNCIL MEETING 92/06/29

APPENDIX

1. Schedule 1 of B.C. Reg. 274/86, the Ticket Administration Regulation, is amended by adding the following item:

Item	Column 1	Column 2	Column 3
20.	Persons appointed as medical health officers or public health inspectors under the <i>Health Act</i>	The provisions, referred to in Column 1 of Schedule 2, of (a) the <i>Health Act</i> , (b) the Industrial Camps Health Regulation, B.C. Reg. 427/83, (c) the Sanitary Regulations, B.C. Reg. 142/59, and (c) the Sewage Disposal Regulation, B.C. Reg. 411/85.	

2. Schedule 2 is amended by adding the following items:

Column 1	Column 2
<i>Health Act</i> section 21 (2)(a) section 21 (2)(b) section 60 (2) section 111 section 112	Failure to obtain a final certificate Failure to have plans approved Failure to notify of a discharge Obstructing or impeding an official Failure to comply with an order issued under section 68 (1)
Industrial Camps Health Regulation, B.C. Reg. 427/83 section 10 (a)	Failure to report outbreak of gastrointestinal upset
Sanitary Regulations, B.C. Reg. 142/59 section 9 section 13 section 37 section 43	Endangering public health Sale of unfit food Failure to provide sufficient safe and potable drinking water Contaminating water used for domestic purposes
Sewage Disposal Regulation, B.C. Reg. 411/85 section 3 (1) section 4 (1) section 9 (c)	Failure to obtain permit Failure to obtain written authorization Failure to comply with an order

SENT BY: LEGISLATIVE COUNSEL : 4-14-92 : 12:53PM :

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PROVINCE OF BRITISH COLUMBIA

fr

REGULATION OF THE ATTORNEY GENERAL

M 37A

I, Colin Gabelmann, Attorney General of British Columbia, having consulted with the Chief Judge of the Provincial Court, order that, effective April 1, 1992, the Schedule to B.C. Reg. 434/90, the Violation Ticket Fines Regulation, is amended as set out in the attached appendix.

106

ITEM	1
MANAGER'S REPORT NO.	46
COUNCIL MEETING	92/06/29

Date

Colin Gabelmann
Attorney General

DEPOSITED

MAR 27 1992

B.C. REG. 90/92

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: OFFENCE ACT, SECTION 14(9)

RSBC 1979, c. 305

Other (specify):

March 12, 1992

480 92/13/bga

SENT BY: LEGISLATIVE COUNSEL 4-14-92 11:59PM

08730-001# 3/3



APPENDIX

1. The schedule to B.C. Reg. 434/90, the Violation Ticket Fines Regulation, is amended by adding the following items before the Highway Act references:

Column 1	Column 2	Column 3
<i>Health Act</i> section 21 (2) (a)	Failure to obtain a final certificate	\$100
section 21 (2) (b)	Failure to have plans approved	\$100
section 60 (2)	Failure to notify of a discharge	\$200
section 111	Obstructing or impeding an official	\$100
section 112	Failure to comply with an order issued under section 60 (1)	\$800
Industrial Camps Health Regulation, B.C. Reg. 427/83 section 10 (a)	Failure to report outbreak of gastrointestinal upset	\$100
Sanitary Regulations, B.C. Reg. 142/59 section 9	Endangering public health	\$200
section 13	Sale of unfit food	\$200
section 37	Failure to provide sufficient safe and potable drinking water	\$100
section 43	Contaminating water used for domestic purposes	\$100
Sewage Disposal Regulation, B.C. Reg. 411/86 section 8 (1)	Failure to obtain permit	\$100
section 4 (1)	Failure to obtain written authorization	\$100
section 9 (c)	Failure to comply with an order	\$200

