

ITEM	01
MANAGER'S REPORT #	13
COUNCIL MEETING	96/05/06

TO: CITY MANAGER DATE: MAY 1, 1996

FROM: MEDICAL HEALTH OFFICER

SUBJECT: BURNABY SMOKING REGULATION BYLAW 1987

PURPOSE: TO RECOMMEND AMENDMENTS TO THE BURNABY SMOKING
REGULATION BYLAW 1987

RECOMMENDATION:

THAT Council authorize the City Solicitor to amend the Burnaby Smoking Regulation Bylaw 1987 as noted in this report.

REPORT

1.0 INTRODUCTION:

At the regular Council Meeting on 1996 April 22, Council received a staff report on the 100% Indoor Air Smoking Bylaw. Arising from the discussion, Council adopted a Motion requesting the Medical Health Officer to submit a report for the 1996 May 06 Council Meeting with recommendations to amend the current Burnaby Smoking Regulation Bylaw 1987 to provide for the following:

1. 100% non-smoking in commercial establishments, places of public assembly, restaurants, and common public areas in other buildings which allow access to minors;
2. 30% minimum seating for non-smokers in adult-oriented establishments (bars, pubs, cabarets, casinos, bingos);
3. Recommendations on effective dates for enforcement and methods for education of the public and the operators on issues related to the implementation of the new standards.

2.0 RECOMMENDED AMENDMENT TO THE BURNABY SMOKING REGULATION BYLAW 1987:

2.1 Smoking in restaurants and adult-oriented establishments:

Current Requirements:

Sections 5(1) and 5(3) of the Burnaby Smoking Regulation Bylaw allow designated smoking areas in restaurants and adult-oriented establishments. Section 5(1) of the Bylaw also allows a proprietor to designate the entire premises a smoking area.

Recommended Changes:

Sections 5(1) and 5(3) of the Burnaby Smoking Regulation Bylaw be amended to provide the following:

1. 100% non-smoking in restaurants;
2. A minimum of 30% non-smoking seats in adult-oriented establishments which includes but not limited to bars, pubs, cabarets, casinos, and bingos. Since many lower mainland municipalities are either in support of an immediate 100% smoking ban in adult-oriented establishments or a total ban within 3 years, staff would recommend that a phased-in approach to achieving a 100% smoking ban in adult-oriented establishments also be considered.

2.2 Smoking in commercial establishments:

Current Requirements:

Sections 3(1), 4(1)(a), 4(1)(c) and 5(1) of the Burnaby Smoking Regulation Bylaw stipulate conditions in which smoking is permitted in commercial establishments.

Recommended Changes:

Sections 3(1), 4(1)(a), 4(1)(c) and 5(1) of the Burnaby Smoking Regulation Bylaw be amended to prohibit smoking in commercial establishments.

2.3 Smoking in places of public assembly:

Current Requirements:

Sections 4(1)(b) and 4(3) of the Burnaby Smoking Regulation Bylaw allow smoking in designated smoking area in place of public assembly.

Recommended Changes:

Sections 4(1)(b) and 4(3) of the Burnaby Smoking Regulation Bylaw be amended to prohibit smoking in places of public assembly.

2.4 Smoking in indoor workplaces:

Current Requirements:

Sections 7(1) and 7(2) of the Burnaby Smoking Regulation Bylaw require an employer to adopt, implement, and maintain a written Smoking Policy in any office workplace. Smoking is permitted if agreeable to both non-smoking and smoking employees.

Recommended Changes:

Sections 7(1) and 7(2) of the Burnaby Smoking Regulation Bylaw be amended to prohibit smoking in all indoor workplaces.

2.5 Smoking in common areas:

Current Requirements:

Section 3(1) (b) of the Burnaby Smoking Regulation Bylaw stipulates common areas in buildings such as an elevator, escalator, inside stairway or washroom that is accessible to the public, where smoking is not permitted.

Recommended Changes:

Section 3(1) (b) of the Burnaby Smoking Regulation Bylaw be amended to include all common areas in buildings that are accessible to minors. This will include but not limited to common areas of shopping centres and malls and multi-residential premises.

2.5 Bylaw Exemptions:

Current Exemptions:

Section 7(3) of the Burnaby Smoking Regulation Bylaw stipulates that the said Bylaw does not regulate smoking in a private home which may serve as an office workplace, an office workplace occupied exclusively by smokers even though it may be visited by non-smokers and a private social function.

Recommended Changes:

Section 7(3) of the Burnaby Smoking Regulation Bylaw be amended to exempt smoking in a private home which may serve as an office workplace, smoking in restaurant outdoor patios provided the outdoor patio is not covered with a permanent roofing structure, and smoking in a "smoking room" where "smoking room" is defined as a room, designated by the proprietor, in which smoking is permitted and which is physically separated and air tight, with four walls, a ceiling and a tight-fitting door. The room would be heated, cooled and ventilated separate from the rest of the establishment and would be exhausted to the outside so as to provide a negative pressure within the room. There would also be a requirement that no minor nor any employee would need to enter the room while it was occupied by smokers.

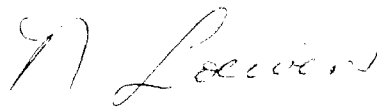
2.6 Implementation of the recommended amendments to the Burnaby Smoking Regulation Bylaw:

Staff recommend a phased implementation approach which would include a six month educational period between the date that the bylaw amendments are adopted by Council and the initiation of enforcement of the amended bylaw requirements.

The intervening period would be used to communicate the new bylaw requirements to the business community and the general public. The communication/education plan would include publishing a summary of the new bylaw requirements in the local newspapers and Information Burnaby, making a brochure outlining the changes available to the public at information kiosks and sending letters outlining the changes to all restaurants, adult-oriented establishments, shopping centres and malls, Building Owners and Managers Association, and professional organizations and associations. In addition, staff would bring any violations of the new bylaw requirements during the six month period to the attention of the operator of the establishments in question and would work closely with the business community to address implementation problems that might arise.

3.0 CONCLUSION:

The adoption of the recommended changes to the current Burnaby Smoking Regulation Bylaw will provide residents, visitors and workers in the City of Burnaby with an enhanced level of protection from exposure to environmental tobacco smoke and the related health risks. The new bylaw requirements will help define the norm for indoor public places as being non-smoking. Staff are recommending a six month phased implementation approach to provide sufficient time to inform the business community and the public of the recommended changes and to work closely with the business community in addressing implementation problems that might arise.



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TS/cl

cc: () City Solicitor
() Chief Environmental Health Officer