

**COMMITTEE OF THE WHOLE AGENDA**

**MONDAY, FEBRUARY 1, 2010 - 6:00 P.M.**

1. **ADOPTION OF MINUTES**

- a) of the January 18, 2010 minutes of the Committee of the Whole meeting - Pages 1 to 4

2. **PUBLIC PRESENTATIONS**

3. **CORRESPONDENCE**

4. **DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE**

5. **STAFF PRESENTATIONS**

- a) Brian Hunter - RCMP - Policing Issues/Priorities for Parksville - Pages 5 to 7  
*Identifying policing issues/priorities for Parksville.*
- b) Director of Community Planning - Investigate the Possibility of Banning Cosmetic Pesticides with the Regional District of Nanaimo - Pages 8 to 12  
*The City has been involved with the Regional District of Nanaimo as part of the initial phase in their development of a cosmetic pesticide reduction education program. In the second phase of the program, the Regional District intends to develop a cosmetic pesticide restriction bylaw.*

***Recommendation: THAT the report from the Director of Community Planning dated January 18, 2010 entitled 'Investigate the Possibility of Banning Cosmetic Pesticides with the Regional District of Nanaimo' be received;  
AND THAT the City continue to participate and coordinate with the Regional District of Nanaimo in the further advancement of a cosmetic pesticide reduction education program.***

- c) Director of Community Planning - Consideration of Establishing a "Business Regulation Bylaw" - Pages 13 to 19  
*The Zoning and Development Bylaw, 1994, No. 2000 sets out permitted uses but does not address operational or nuisance impacts associated with specific uses. This report requests Council's approval to prepare a business regulation bylaw and an associated enforcement policy to address this issue.*

***Recommendation: THAT the report from the Director of Community Planning dated January 12, 2010 entitled 'Consideration of Establishing a "Business Regulation Bylaw"' be received;  
AND THAT staff be directed to prepare a Business Regulation Bylaw addressing "noise and odour" and an associated Enforcement Policy.***

6. **ADJOURNMENT**

# TO BE ADOPTED

AGENDA  
COMMITTEE  
FEB 01 2010  
DATE

CITY OF PARKSVILLE

January 18, 2010

Minutes of the Committee of the Whole meeting held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, January 18, 2010 at 6:00 p.m.

PRESENT: His Worship Mayor E. F. Mayne

Councillors: C. R Burger  
A. R. Greir  
M. Lefebvre  
T. C. Patterson  
S. E. Powell  
C. J. Powell-Davidson

Staff: F. Manson, Chief Administrative Officer  
L. Kitchen, Deputy Corporate Administrator  
D. Banks, Fire Chief  
G. Jackson, Director of Community Planning  
A. Metcalf, Director of Engineering & Operations

## 1. MINUTES

Lefebvre – Powell-Davidson

THAT the minutes of the Committee of the Whole meeting held December 7, 2009 be adopted.

CARRIED.

## 2. PUBLIC PRESENTATIONS

- a) Ronda Murdock from the Wilderness Committee, Mid-Island Chapter, thanked the City for its support over the past year and presented Council with 2010 Wilderness calendars. Ms. Murdock requested that a letter of support be sent before the February 15<sup>th</sup>, 2010 comment deadline to the Integrated Land Management Bureau, to support their initiative to protect all Coastal Douglas fir moist maritime biogeoclimatic subzone red-listed plant communities within the polygons identified in Schedules 1 to 6, with a request that the initiative be expanded to include the remaining endangered Coastal Douglas fir maritime red-listed subzones.

## 3. CORRESPONDENCE - Nil

## 4. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE - Nil

## 5. STAFF PRESENTATIONS

Mayor Mayne noted that all recommendations adopted by the Committee at this meeting will be forwarded to Council for consideration at their February 1, 2010 meeting.

## RECOMMENDATIONS:

- a) Director of Community Planning - Comments Submitted by the Parksville Community Garden and Parkland Society with Respect to the Proposed Relocation of the Community Garden to Parksville Civic and Technology Centre Park

PAGE  
1

Burger - Powell

**THAT** the report from the Director of Community Planning dated January 4, 2010 entitled "Consideration of Comments Submitted by the Parksville Community Garden and Parkland Society with Respect to the Proposed Relocation of the Community Garden to the Parksville Civic and Technology Centre Park" be received for additional information.

CARRIED.

b) **Director of Community Planning - Technical Information for Locating the Community Garden at Parksville Civic and Technology Centre Park**

**Main Motion:**

Lefebvre - Burger

**THAT** the report from the Director of Community Planning dated November 26, 2009 entitled "Consideration of Technical Information for Locating the Community Garden at the Parksville Civic and Technology Centre Park" be received;

**AND THAT** Option 2 (preparing the site to a level that is 'ready to use') contained in the report from the Director of Community Planning dated November 26, 2009 is accepted in principle, subject to review of screening requirements by the Advisory Design Panel;

**AND FURTHER THAT** staff be directed to prepare a policy to administer the operations of the Community Garden program at the Parksville Civic and Technology Centre Park.

**Amendment:**

Burger - Lefebvre

**AND THAT** the Parksville Civic and Technology Centre Park site be designated the permanent location of the Community Garden;

**AND THAT** Option 2 (preparing the site to a level that is 'ready to use') contained in the report from the Director of Community Planning dated November 26, 2009 be referred to the Advisory Design Panel for review of screening requirements;

**AND THAT** Option 2 (preparing the site to a level that is "ready to use") be agreed to in principle;

**AND THAT** the matter of funding to implement Option 2 be referred back to the Parksville Community Garden and Parkland Society to determine the amount of funding that will be required from the City of Parksville;

**AND FURTHER THAT** Council rise and report at the January 18, 2010 meeting of Council.

CARRIED.

**Main Motion as amended:**

Lefebvre - Burger

**THAT** the report from the Director of Community Planning dated November 26, 2009 entitled "Consideration of Technical Information for Locating the Community Garden at the Parksville Civic and Technology Centre Park" be received;

**AND THAT** the Parksville Civic and Technology Centre Park site be designated the permanent location of the Community Garden;

**AND THAT** Option 2 (preparing the site to a level that is 'ready to use') contained in the report from the Director of Community Planning dated November 26, 2009 be referred to the Advisory Design Panel for review of screening requirements;

**PAGE**

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**AND THAT** Option 2 (preparing the site to a level that is "ready to use") be agreed to in principle;  
**AND THAT** staff be directed to prepare a policy to administer the operations of the Community Garden program at the Parksville Civic and Technology Centre Park;  
**AND THAT** the matter of funding necessary to implement Option 2 be referred back to the Parksville Community Garden and Parkland Society to determine the amount of funding that will be required from the City of Parksville;  
**AND FURTHER THAT** Council rise and report at the January 18, 2010 meeting of Council.

CARRIED.

Mayor Mayne and Councillors Patterson and Greir voted against the motion.

- c) **Director of Community Planning - Zoning Bylaw Amendment to the P-1 Zone to permit Food and Beverage Sales at the Visitor Centre [1275 Island Highway East]**

**Main Motion:**

Greir - Patterson

**THAT** the report from the Director of Community Planning dated January 7, 2010 entitled "Consideration of a Zoning Bylaw Amendment to the P-1 Zone to permit Food And Beverage Sales at the Rotary Peace Park Visitor Centre on Park, Block 564, Nanoose District, Plan VIP60816 (1275 Island Highway East)" be received;  
**AND THAT** the application fee to cover the cost of the amendment process be submitted by the Parksville and District Chamber of Commerce;  
**AND FURTHER THAT** staff be directed to draft a zoning amendment bylaw and commence the statutory process for the property legally described as Park, Block 564, Nanoose District, Plan VIP60816 to permit the use of 'food and beverage sales'.

**Amendment:**

Lefebvre - Greir

**AND THAT** the advertising costs and any other "out of pocket" costs associated with the amendment process be submitted by the Parksville and District Chamber of Commerce;

CARRIED.

**Main Motion as amended:**

**THAT** the report from the Director of Community Planning dated January 7, 2010 entitled "Consideration of a Zoning Bylaw Amendment to the P-1 Zone to permit Food And Beverage Sales at the Rotary Peace Park Visitor Centre on Park, Block 564, Nanoose District, Plan VIP60816 (1275 Island Highway East)" be received;  
**AND THAT** the advertising costs and any other "out of pocket" costs associated with the amendment process be submitted by the Parksville and District Chamber of Commerce;  
**AND FURTHER THAT** staff be directed to draft a zoning amendment bylaw and commence the statutory process for the property legally described as Park, Block 564, Nanoose District, Plan VIP60816 to permit the use of 'food and beverage sales'.

CARRIED.

- d) **Director of Community Planning - Proposed Terms of Reference for an Official Community Plan Review and Official Community Plan Advisory Committee**

Greir - Powell

**THAT** the report from the Director of Community Planning dated December 21, 2009 entitled, "Proposed Terms of Reference for an Official Community Plan" be received;

**AND THAT** the Terms of Reference for the review of the Official Community Plan review be approved and staff be directed to begin the tendering process to generate a short list of Consultants for Council's selection;

**AND FURTHER THAT** the Terms of Reference for the Official Community Plan Advisory Committee be approved and that staff be directed to begin advertising for members.

DEFEATED.

Lefebvre – Greir

**THAT** the report from the Director of Community Planning dated December 21, 2009 entitled "Proposed Terms of Reference for an Official Community Plan" be received;

**AND THAT** staff be directed to prepare a draft citizen response survey including the estimated costs of mailout and data compilation, for Council's review;

**AND FURTHER THAT** upon receipt and review of the results of the survey, Council revisit the requirement for an Official Community Plan review.

CARRIED.

e) **Director of Engineering & Operations - Water and Sewer Connections on Properties with Carriage Houses**

Lefebvre – Powell-Davidson

**THAT** the report from the Director of Engineering & Operations dated January 12, 2010 entitled "Water and Sewer Connections on Properties with Carriage Houses", be received;

**AND THAT** staff be directed to maintain the status quo regarding current practices for requests received for additional water and sewer service connections to residential parcels.

DEFEATED.

Burger – Powell

**THAT** the report from the Director of Engineering and Operations dated January 12, 2009 entitled "Water and Sewer Connections on Properties with Carriage Houses", be received;

**AND THAT** staff be directed to bring forward amendments to the Water Service System Bylaw No. 1320 and the Sanitary and Storm Sewerage Bylaw No. 1319 to specifically permit two water and sewer connections on properties with carriage houses.

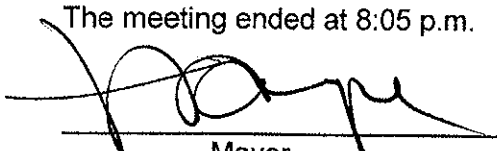
CARRIED.

6. **ADJOURNMENT**

Powell-Davidson - Burger

Rise and Report to Council at their February 1, 2010 meeting.

The meeting ended at 8:05 p.m.



Mayor

# Policing Priorities (2009/2010)

## National

Organized Crime  
Terrorism  
Youth  
Aboriginal Communities  
Economic Integrity

## AE@ Division (BC)

Organized Crime  
Terrorism  
Youth  
Aboriginal Communities  
Economic Integrity

## Island District

Drugs  
Road Safety  
Communication  
Youth  
First Nations

## Oceanside RCMP Detachment

**Priority: Property - Mischief**

Objective: Reduce Property Crimes

**Priority: Substance Abuse - Drugs**

Objective: Reduce the abuse of drugs (production, trafficking and use)

**Priority: First Nation/Police Relationships**

Objective: Enhance Relationships and Cultural Awareness w/ Qualicum First Nation

**Priority: Youth - Positive Youth Interactions**

Objective: Contribute to safer youth

**Priority: Traffic - Overall Road Safety**

Objective: Contribute to safe roads

**MAYOR'S REPORT**  
**Parksville - 4<sup>TH</sup> Quarter 2009**

ITEM REPORTING	Number of Incidents Reported this Period		Number of Incidents Reported Year to Date	
	2008	2009	2008	2009
Assaults	24	15	91	87
B & E Business	4	10	33	89
B & E Residence	12	7	61	46
Theft of Motor Vehicles	8	8	41	39
Theft from Motor Vehicle	25	22	159	101
Theft (Over & Under \$5,000)	68	40	223	200
Mischief - Business & Other	70	29	316	226
Mischief - Residential	21	11	70	45
Cause Disturbance	47	30	154	163
Drugs	14	13	58	37
Impaired Driving	5	5	12	16
Liquor Act Offences	37	41	170	198
Motor Vehicle Accidents	58	49	218	203
Traffic Offences - Provincial	432	437	1020	1313
Criminal Code Traffic	0	1	7	6

# Oceanside RCMP Detachment Crime Rates / Member Case Load

## Crime Rates (Number of Crimes per 1,000 population)

	2004	2005	2006	2007	2008 (AVG)
Parksville	166	179	141	152	131 (132)
Qualicum Beach	87	81	86	86	83 (132)
Oceanside Rural	72	71	72	58	48 (74)

## Authorized Member Strength

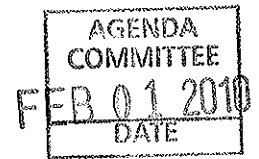
Parksville	15
Qualicum Beach	7
Oceanside Rural	13

## 2008 Member Case Loads (Number of Criminal Offences per member)

	Case Load	Provincial Average	Ranking
Parksville	101	91	7/29
Qualicum Beach	102	91	6/29
Oceanside Rural	91	74	22/114



COMMITTEE OF THE WHOLE REPORT



January 18, 2010

**REPORT TO:** F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER  
**FROM:** G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING  
**SUBJECT:** INVESTIGATE THE POSSIBILITY OF BANNING COSMETIC PESTICIDES WITH THE REGIONAL DISTRICT OF NANAIMO

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**Issue:**

Staff has been directed to investigate the possibility of banning cosmetic pesticides with the Regional District of Nanaimo.

**Executive Summary**

The City has been involved with the Regional District of Nanaimo as part of phase one in their development of a cosmetic pesticide reduction education program. In the second phase of the program, the Regional District intends to develop a cosmetic pesticide restriction bylaw.

**Reference:**

Attachment – Alternative to Pesticides brochure

**Background:**

At the November 16, 2009 Council meeting the following resolution was passed:

*09-288 THAT Staff investigate with the Regional District of Nanaimo the possibility of banning cosmetic pesticide. CARRIED.*

The Regional District has, for themselves and the other member municipalities, produced an 'alternative to pesticides' brochure and lawn sign program and has been engaged in public outreach through regional newsletters and participation at agricultural and garden shows.

The education and outreach phase, administered in conjunction with the Regional District's Team Watersmart program, began in July 2009 and is intended to run for approximately one year. In the second phase of the program the Regional District intends to develop a cosmetic pesticide restriction bylaw.

It should be noted that the provincial Ministry of Environment, in response to issues raised by the Union of British Columbia Municipalities and others on the topic of cosmetic pesticide use, has recently issued a consultation paper and survey for public comment on possible future actions at the Provincial level. This would appear to indicate that the Province may be prepared to take a more active role in the regulation of cosmetic pesticides.

# INVESTIGATE THE POSSIBILITY OF BANNING COSMETIC PESTICIDES WITH THE REGIONAL DISTRICT OF NANAIMO

## Options:

Council may:

1. Maintain the status quo and direct Staff to continue to participate and coordinate with the Regional District of Nanaimo in the advancement of the cosmetic pesticide reduction education program.
2. Direct Staff to develop a cosmetic pesticide restriction bylaw.

## Analysis:

1. This option would involve the City continuing to work with the Regional District of Nanaimo in the promotion of alternatives to cosmetic pesticide use and await the development of a cosmetic pesticide restriction bylaw in a future phase of the Regional District's program, a bylaw which the City would then be able to use as a template.

As the Regional District has already developed a broad communications strategy for themselves and other member municipalities, it would appear appropriate that the introduction of a cosmetic pesticide restriction bylaw be timed and coordinated regionally. A coordinated approach maximizes the effectiveness of the message and avoids public confusion caused by different regulatory schemes. This would mean delaying the creation and introduction of a cosmetic pesticide restriction bylaw until the Regional District enters the second phase of their program.

2. This option would involve the City developing our own cosmetic pesticide restriction bylaw in advance of regional or provincial initiatives. This would involve directing City resources to this new work program, albeit with some potential assistance from the Regional District.

If enacted by the City, such a bylaw is only permitted by legislation to restrict the application of a pesticide on residential properties for non-essential aesthetic purposes, such as improving the appearance of lawns, gardens, or landscaping. The legislation does not currently provide the City with the ability to outright prohibit the use of pesticides or restrict their sales. This will create a scenario where pesticides remain available in the marketplace while at the same time an expectation of a high level of enforcement may be created.

Restrictions on the use of pesticide for cosmetic purposes are expected to be extremely difficult to enforce, even under the City's complaint driven approach. For enforcement action to be taken an individual applying pesticide must be caught in the act, and the Bylaw Compliance Officer would need to identify the type of pesticide being used and whether its use was appropriate or not, given the specific circumstance. This would require a high level of expertise in the knowledge of pests, pesticides application and plant control methods not typically part of a Bylaw Compliance operation and may take resources away from other enforcement priorities of Council.

Given the limited scope of authority and difficulties in enforcement it would appear a cosmetic pesticide restriction bylaw would have limited impact on its own and is

**INVESTIGATE THE POSSIBILITY OF  
BANNING COSMETIC PESTICIDES WITH  
THE REGIONAL DISTRICT OF NANAIMO**

ultimately more effective as part of an overall communications strategy on the subject of reducing cosmetic pesticide use. In addition, as cosmetic pesticide restriction measures may soon be developed at the Provincial level, it may be prudent to take a wait and see approach for the time being.

**Sustainability:**

Promoting alternatives to pesticides and reducing their overall use either through education or regulation works towards reducing public and the environments exposure to potentially harmful chemicals. Reducing potential harm and protecting the environment forms part of the quintessential elements of the philosophy of sustainability.

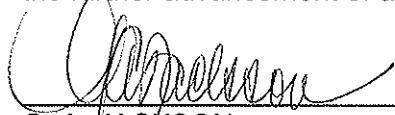
**Financial Implications:**

To date, the Regional District has provided the City with a complimentary instalment of 100 'alternative to pesticide' brochures for distribution with an additional 200 brochures and 20 lawn signs being available should the City decide to contribute to their design and publication costs, estimated to be approximately \$440.00. Staff would suggest that up to \$600.00 be allocated for this purpose through the reallocation of funds from the Departmental budget for this purpose.

**Recommendation:**

That the report from the Director of Community Planning dated January 18, 2010 titled 'Investigate the Possibility of Banning Cosmetic Pesticides with the Regional District of Nanaimo' be received;

And That the City continue to participate and coordinate with the Regional District of Nanaimo in the further advancement of a cosmetic pesticide reduction education program.

  
\_\_\_\_\_  
G. A. JACKSON

BR/sh  
Attachment

Planning/6440-01-COS/20010/Agenda/Report-1.

**DIRECTOR OF ENGINEERING AND OPERATIONS COMMENTS:**

  
\_\_\_\_\_  
A. METCALF

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:**

  
\_\_\_\_\_  
F. MANSON, C.G.A.

# natural pesticide alternatives

## REDUCING YOUR CHEMICAL DEPENDENCE

If you do find yourself battling pests, here are several alternatives to chemical pesticides that will help you out. Always test the mixture on a small area first to make sure the desired effect is achieved.

For mites and other insects, mix two tablespoons of hot pepper sauce or cayenne pepper with a few drops of liquid soap into a quart of water. Let stand overnight and spray the affected plants.

For small weeds, mix 1 tsp gin, 1 tsp cider vinegar, 1 tsp liquid soap and 1 litre of water. Spray the weeds on a sunny day.

For other weeds, mix 1 litre of water with 1 tsp of rubbing alcohol and spray affected plants. Increase the alcohol content for stubborn weeds.

For more information on natural pest control, visit [www.teamwatersmart.ca](http://www.teamwatersmart.ca)

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home recipes



# keeping a healthy lawn

## 1 WATER DEEPLY AND INFREQUENTLY

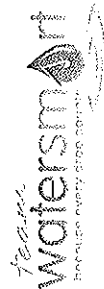
This will help promote deep root growth and create a lawn that is more tolerant of stresses. Your lawn only needs 25 mm (1") of water per week to be healthy.

## 2 LEAVE GRASS CLIPPINGS OUT

Grass clippings can act as a natural fertilizer, providing a significant amount of nitrogen to your lawn. In addition, clippings prevent moisture from evaporating from your lawn.

## 3 OVER SEED

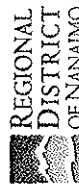
Over seed your lawn with a perennial rye grass mixture to smother weeds that would normally be a problem.



is brought to you by the Regional District of Nanaimo, the Town of Qualicum Beach, the City of Nanaimo, and Fairwinds Community & Resort

Toll Free 1-877-607-4111  
or email: [watersmart@rdn.bc.ca](mailto:watersmart@rdn.bc.ca)

[www.teamwatersmart.ca](http://www.teamwatersmart.ca)



Town of Qualicum Beach



# Alternatives to Pesticides

Relax.  
It's just a weed.



# Did you know? Most pesticides are unnecessary

## Preventing pest infestations

A healthy garden is less susceptible to pest infestations. Before considering pesticides for your flower garden, ask yourself if the damage you're seeing is being caused by poor placement of the plants in the garden, over or under-watering, or possibly the weather.

### Here are a few tips to avoid pest infestations:

- Add compost to your garden to increase the nutrients that your plants are receiving. This helps ensure that plants and soil microorganisms stay healthy.
- Cover your garden with mulch such as wood chips or bark to decrease the amount of water you use and the likelihood of pest problems induced by drought stress.
- Choose plants that are naturally resistant to pests and attract beneficial insects. Some examples of these are marigold, parsley, dill, anise, yarrow, and perennial sunflower.
- Don't place plants of the same family in the same place in your garden. For example, don't plant beans and peas next to each other.



## Why do pesticides fail?

There are many reasons not to use pesticides on your lawn and flower garden.

**Health Reasons:** The health risks associated with using pesticides vary from mild irritation of the skin or eyes to cancer and nervous system disruption. Pesticides pose distinctive risks to children as they absorb and metabolize compounds at different rates and in different ways. Moreover, pesticide products have been cited as affecting fetal development.

**Environmental Reasons:** Pesticides can pollute soil and groundwater, and can be carried into surface water by run-off. Not only does this risk injury and death to non-target organisms, such as fish, birds, and beneficial insects, but it risks contaminating our drinking water with harmful chemicals. Try to remember that a lot of insects play important roles, such as pollination and helping recycle garden waste!

## What is a pesticide?

A pesticide is a term which includes herbicides, insecticides, and fungicides.

Pesticides are synthesized compounds that are intended to prevent, exterminate, or deter pests.

A pest may be defined as an insect, fungus, weed, or rodent.



## Beneficial Insects

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January 12, 2010

**REPORT TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER**

**FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING**

**SUBJECT: CONSIDERATION OF ESTABLISHING A "BUSINESS REGULATION BYLAW"**

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**Issue:**

Consideration of establishing a "business regulation bylaw"

**Executive Summary:**

The Zoning and Development Bylaw, 1994, No. 2000 sets out permitted uses but does not address operational or nuisance impacts associated with specific uses. This report requests Council's approval to prepare a business regulation bylaw and an associated enforcement policy to address this issue.

**References:**

District of West Vancouver Business Licence Bylaw No. 4455, 2005 excerpt  
District of West Vancouver Enforcement Policy #03-10-276  
Section 59(2) and (3) of the *Community Charter*

**Background:**

At this time the City has a Zoning Bylaw which sets out permitted uses. There is also a Business Licence Bylaw which sets out the need for a business licence and also the associated fee. There presently is no bylaw to address 'operational or nuisance' impacts associated with a business that is otherwise permitted.

Last summer Staff was dealing with a complaint regarding the impact that a coffee shop 'roasting coffee beans' was having on surrounding residents. It became apparent that there is no avenue for this type of complaint to be handled. Staff consulted with the District of West Vancouver as their Staff had dealt with a similar situation. West Vancouver has put in place regulations to deal with land use conflicts pertaining to odour or noise. They have also put in place a companion policy which sets a standard for dealing with the complaints. It was explained that these initiatives were put in place in recognition that 'mixed use' buildings or areas may generate issues that are not able to be dealt with utilizing zoning bylaws. They do have a high test for a complaint to undergo before it is considered bona fide.

Staff believes there is merit in considering the introduction of a similar bylaw and policy to that of West Vancouver so as to provide for a mechanism to deal primarily with interface complaints pertaining to noise and odour.

**CONSIDERATION OF ESTABLISHING  
A "BUSINESS REGULATION BYLAW"**

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**Options:**

Council may:

1. Direct Staff to prepare a Business Regulation Bylaw addressing "noise and odour" and direct Staff to prepare an associated Enforcement Policy.
2. Maintain the Status Quo.

**Analysis:**

1. Staff believes that the West Vancouver material can be followed with only minor changes. This approach works for West Vancouver and also it has been legally vetted.

This approach will provide Staff with an enforcement tool that is not currently available. It is expected that interface issues will increase over time as mixed land uses increase. It is possible that the presence of this type of bylaw will generate more complaints. For this reason it is important that a policy be adopted along with the bylaw as a means to vet and control complaints so that only serious ones are pursued.

If Council wishes to pursue these new regulations there is a legislated requirement under Section 59(2) and (3) of the *Community Charter* for Council to give notice of the intention to adopt the bylaw and provide an opportunity for public input by those who perceive that they may be impacted.

2. Maintaining the status quo will likely mean that the same seasonal complaints will be received in 2010 and that there will be no bylaw or tool through which to take action or provide a remedy.

**Sustainability/Environmental Analysis:**

Sustainability implications to the City associated with the proposed bylaw amendment are neutral. It is important to keep the downtown environment "livable" so that it is viewed as a viable residential location.

**Financial Implications:**

There are no financial implications other than the cost of processing this report. This could add files to the Bylaw Compliance Officer's case load.

**Recommendation:**

That Council direct Staff to prepare a Business Regulation Bylaw addressing "noise and odour" and Staff prepare an associated Enforcement Policy.

  
\_\_\_\_\_  
GAYLE A. JACKSON

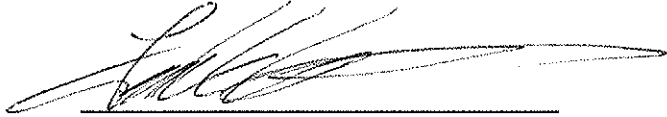
GAJ/sh

**CONSIDERATION OF ESTABLISHING  
A "BUSINESS REGULATION BYLAW"**

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I/Users/Planning/0110-01/2010/Agenda/Report-1 Business Regulation Bylaw.

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:**



F. MANSON, C.G.A.



## **Powers to require and prohibit**

**59** (1) A council may, by bylaw, do one or more of the following:

- (a) require operators of premises in which rooms or suites are let for living purposes to maintain, in accordance with the bylaw, a register of persons living there;
- (b) in relation to persons engaged in the business activity of purchasing, taking in barter or receiving used or second hand goods,
  - (i) require such persons, after purchasing, taking in or receiving used or second hand goods, to notify the chief constable who has jurisdiction in the municipality within the time period established by the bylaw, and
  - (ii) prohibit such persons from altering the form of, selling, exchanging or otherwise disposing of those goods during the time period established by the bylaw;
- (c) require manufacturers and processors to dispose of the waste from their plants in the manner directed by the bylaw;
- (d) prohibit the operation of a public show, exhibition, carnival or performance of any kind or in any particular location;
- (e) prohibit the operation of places of amusement to which the public has access, including halls and other buildings where public events are held;
- (f) prohibit professional boxing, professional wrestling and other professional athletic contests.

(2) Before adopting a bylaw under subsection (1) or section 8 (6) [*business regulation*], a council must

- (a) give notice of its intention in accordance with subsection (3), and
- (b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.

(3) Notice required under subsection (2) (a) may be provided in the form and manner, at the times and as often as the council considers reasonable.

## Part 6 General Regulations

- 6.1 It is a term and condition of every Licence under this Bylaw that a person who owns or operates a business must not cause, allow or permit:
- (a) an odour to escape from the premises including odours from garbage generated by that business, whether through a ventilation fan or otherwise, that is perceptible in residential premises and disturbs, or is likely to disturb, the enjoyment, comfort or convenience of an individual in the residential premises, or
  - (b) a noise to emanate from the premises whether from a ventilation fan or otherwise, that is perceptible in residential premises and disturbs, or is likely to disturb, the enjoyment, comfort or convenience of an individual in the residential premises.

## Part 7 Specific Regulations

### 7.1 Adult Publications

- 7.1.1 A person must not sell, offer to sell, or display for sale in any premises an Adult Publication unless the publication is:
- (a) located on a shelf, the bottom edge of which is at least 119 cm (47 inches) from the floor; and
  - (b) placed behind an opaque cover which extends the full length of the shelf on which the publication is placed and which extends vertically at least 20 cm (8 inches) from the bottom of the shelf.

### 7.2 Bed and Breakfasts

- 7.2.1 A person carrying on the business of a Bed and Breakfast must:
- (a) reside in the Single Family Dwelling in which the Bed and Breakfast is located; and
  - (b) not concurrently rent to guests or tenants any portion of the Single Family Dwelling other than the portion in which the Bed and Breakfast is located.

# District of West Vancouver ADMINISTRATIVE POLICY

Administration	<b>Bylaw Enforcement On Odour/Noise Contraventions Under Section 524 of Business Licence Bylaw No. 3024, 1982 as Amended.</b>
Policy #03-10-276	
CIS Reference: 1610-20-4403	

## 1.0 Purpose

- 1.1 To establish a policy that sets out the conditions under which the municipality will enforce the provisions set out in section 524 of the Business Licence Bylaw No. 3024, 1982 as amended.

## 2.0 Procedure

- 2.1 The Municipality shall respond to complaints from residents regarding noise and odour concerns that emanate from businesses and will enforce the provisions set out in section 524 of the Business Licence Bylaw provided that:
- a) Written complaints are received from a minimum of two persons not residing in the same dwelling unit and who reside within 100 metres from the source of the disturbance; and
  - b) Two Bylaw Enforcement/Compliance Officers for the District of West Vancouver must concur that the odour or noise is likely to disturb person; and
  - c) The disturbance must be a reoccurring problem over a course of ten (10) or more days.
- 2.2 Where the District considers appropriate, and where it is available, the District may use a device to measure the level of odour or noise to confirm that the odour or noise is perceptible by person from residential premises.
- 2.3 Alternatively, or in addition to the above, where it considers it appropriate the District may require a panel of up to three (3) staff persons who are not Bylaw Enforcement Officers, to attend the site to determine the existence of the odour or noise and whether it is likely to disturb people.

<b>Approval Date:</b> Item 6.1.1, Regular Meeting of Council, March 07, 2005	<b>Approved by:</b> Council
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