



The Corporation of the City of Grand Forks
Committee of the Whole Meeting
AGENDA

Meeting #: C-2018-09
Date: Tuesday, September 4, 2018, 9:00 am
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

1. CALL TO ORDER

2. COMMITTEE OF THE WHOLE AGENDA

- a. Adopt agenda
September 4, 2018, Committee of the Whole

Recommendation

THAT the Committee of the Whole adopts the September 4, 2018, agenda as presented.

3. MINUTES

- a. Adopt Minutes - Committee of the Whole
August 20, 2018, Committee of the Whole Meeting Minutes

1 - 8

Recommendation

THAT the Committee of the Whole adopts the August 20, 2018, Committee of the Whole Minutes as presented.

4. REGISTERED PETITIONS AND DELEGATIONS

- a. Grand Forks Search and Rescue Society
2019 Fee for Service and report

9 - 9

Recommendation

THAT the Committee of the Whole receives for information the delegation presentation from the Grand Forks Search and Rescue Society.

Recommendation

THAT the Committee of the Whole forwards the fee for service request to the 2019 budgeting process.

5. REGIONAL TOPICS FOR DISCUSSION - WITH AREA D

6. PRESENTATIONS FROM STAFF

- a. Monthly Highlight Reports
Department Managers

10 - 13

Recommendation

THAT the Committee of the Whole receives the monthly highlight reports from department managers.

7. REPORTS AND DISCUSSION

8. PROPOSED BYLAWS FOR DISCUSSION

- a. Bylaw 2051 - 2019 Revenue Anticipation Borrowing Bylaw
Chief Financial Officer

14 - 17

Recommendation

THAT the Committee of the Whole recommends that Council gives first three readings to "2019 Revenue Anticipation Borrowing Bylaw, No. 2051" at the September 24th, 2018, Regular Meeting.

- b. Bylaw 2054 – Smoke And Vape Free Places Bylaw
Corporate Services

18 - 23

Recommendation

THAT the Committee of the Whole recommends to Council to give the first three readings to Bylaw No. 2054, "Smoke And Vape Free Places Bylaw" at the September 24th, 2018, Regular Meeting.

9. INFORMATION ITEMS

10. CORRESPONDENCE ITEMS

11. LATE ITEMS

12. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF THE COUNCIL (VERBAL)

13. QUESTION PERIOD FROM THE PUBLIC

14. ADJOURNMENT



The Corporation of the City of Grand Forks
Committee of the Whole
MINUTES

Meeting #: C-2018-08
Date: Monday, August 20, 2018, 9:00 am
Location: 7217 - 4th Street, City Hall Council Chambers

Present: Mayor Frank Konrad
Councillor Julia Butler
Councillor Chris Hammett
Councillor Neil Krog
Councillor Colleen Ross (*"joined meeting at 9:14am with notice"*)
Councillor Christine Thompson
Councillor Beverley Tripp

Staff: Diane Heinrich - Chief Administrative Officer
Daniel Drexler - Corporate Officer
Daphne Popoff - Corporate Administrative Assistant
Juliette Rhodes - Chief Financial Officer
Dolores Sheets - Manager of Development & Engineering Services
Dale Heriot - Fire Chief
Cavan Gates - Deputy Manager of Operations & Sustainability
Bud Alcock - Bylaw Enforcement Officer

GALLERY

1. **CALL TO ORDER**

The August 20, 2018, Committee of the Whole Meeting was called to order at 9:00 am.

2. COMMITTEE OF THE WHOLE AGENDA

- a. Adopt agenda

August 20, 2018, Committee of the Whole

Moved by: Thompson

THAT the Committee of the Whole adopts the August 20, 2018, agenda as presented.

Carried

3. MINUTES

- a. Adopt Minutes - Committee of the Whole

July 23, 2018, Committee of the Whole Meeting Minutes

Moved by: Butler

THAT the Committee of the Whole adopts the July 23, 2018, Committee of the Whole Minutes as presented.

Carried

4. REGISTERED PETITIONS AND DELEGATIONS

- a. Gallery 2

Quarterly Report presentation

Tim van Wijk and Theresa Rezanoff presented the Gallery 2 overview: flood response, summer highlights, exhibitions, culture days, fiscal update, and 2019 Fee for Service request

Discussion:

- 2019 Fee for Service request

Moved by: Thompson

THAT the Committee of the Whole receives for information the delegation presentation from the Grand Forks Art Gallery Society.

Carried

Moved by: Thompson

THAT the Committee of the Whole forwards the fee for service request to the 2019 budgeting process.

Carried

b. The Boundary Museum Society

Quarterly Report presentation

Shannon Profili and Bronwen Bird presented The Boundary Museum Society overview: Board members, venue, Doukhobour and Sinixt reconciliation, weddings, family gatherings, school program classroom visits, Sparks, Summer events, Archives, Collections Management, bread making, Stop of Interest Sign - The Doukhobours, Summer students, and 2019 Fee for Service request

Discussion:

- passport towards several attractions
- admissions
- 2019 Fee for Service request

Moved by: Butler

THAT the Committee of the Whole receives for information the delegation presentation from The Boundary Museum Society.

Carried

Moved by: Thompson

THAT the Committee of the Whole forwards the fee for service request to the 2019 budgeting process.

Carried

5. REGIONAL TOPICS FOR DISCUSSION - WITH AREA D

6. PRESENTATIONS FROM STAFF

a. Temporary Use and Development Permit Application 6379-12th Street - Proposed Tiny House on Wheels

Development and Engineering

Discussion:

- flood management requirements and covenants
- Jennifer Houghton spoke in regards to preparedness of future flooding with the house on wheels
- Barry Jarvis inquired as to the sewer system and what happens after 6 years
- Gordie Shaw spoke in regards to Johnson Flats septic systems
- this item will go as a Late Item to the August 20, 2018, Regular Meeting

Moved by: Ross

THAT the Committee of the Whole recommends to Council, at the August 20th, 2018 Regular Meeting, to:

a) direct staff to proceed with the statutory requirements for public notice respecting a Temporary Use Permit Application for a Tiny House on Wheels (TUP 1802) proposed for 6379 12th Street (Lot A, Plan KAP87507, DL 382, PID: 027-648-273); and

b) direct staff to prepare a draft Temporary Use Permit that considers adequate flood management, servicing, building code and bonding requirements; and,

c) waive the \$750 Temporary Use Application fee as part of the City's recovery program to help flood victims in the City.

Opposed (1): Tripp

Carried

b. Monthly Highlight Reports

Department Managers

Discussion:

- uninsured camper in campground
- bylaw infraction to property owner

- residential building permits

Moved by: Ross

THAT the Committee of the Whole receives the monthly highlight reports from department managers.

Carried

7. REPORTS AND DISCUSSION

8. PROPOSED BYLAWS FOR DISCUSSION

a. Bylaw 2045-A1 - 2018-2022 Financial Plan Amendment

Chief Financial Officer

Discussion:

- project completions, Capital Plan readjustments

- dike reconstruction funding

- waste water treatment plant upgrades

- Barry Jarvis inquired as to the dike repair for the current dikes, and water and sewer revenues

Moved by: Thompson

THAT the Committee of the Whole receives for introduction and discussion “2018-2022 Financial Plan Amendment Bylaw, No. 2045-A1” and refers the first three readings of the Bylaw to the September 4th, 2018, Regular Meeting.

Carried

b. Bylaw 2050 - Proposed Council Members Remuneration and Expenses

Corporate Officer / Chief Financial Officer

Discussion:

- Council remuneration and attracting younger people

- Les Johnson spoke to the current annual remuneration

Moved by: Ross

THAT the Committee of the Whole recommends to Council to consider the appointment of a committee to advise staff of the annual remuneration amounts for 2019 to 2022 to be included in the Council Remuneration and Expenses Bylaw No. 2050.

Carried

Moved by: Ross

THAT the Committee of the Whole recommends to Council to give the first three readings of the proposed Bylaw No. 2050 “Council Remuneration and Expenses Bylaw No. 2050, 2018” at the September 4, 2018, Regular Meeting.

Carried

- c. Bylaw 2052 - Nature Park Dedication
Development and Engineering

Discussion:

- Grasslands Nature Park

Moved by: Ross

THAT the Committee of the Whole recommends to Council to give first, second, and third readings of “Nature Park Bylaw No. 2052” at the September 4, 2018, Regular Meeting.

Carried

- d. Bylaw 2053 - Cannabis Delegation
Development and Engineering

Discussion:

- public feedback and input
- business licenses

Councillor Tripp left the Committee of the Whole Meeting at 10:51 am and returned at 10:54 am.

- Kate Saylor, Gazette, inquired as to clarification of the Bylaw and Policy proposal

Moved by: Tripp

THAT the Committee of the Whole recommends to Council to give the first three readings to “Cannabis Delegation Bylaw No. 2053” at the September 4, 2018, Regular Meeting.

Opposed (2): Butler, and Tripp

Carried

Moved by: Ross

THAT the Committee of the Whole recommends to Council to adopt Policy 1504 - Retail Cannabis Licence Recommendation at the September 4, 2018, Regular Meeting.

Opposed (2): Butler, and Tripp

Carried

9. INFORMATION ITEMS

10. CORRESPONDENCE ITEMS

11. LATE ITEMS

12. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF THE COUNCIL (VERBAL)

13. QUESTION PERIOD FROM THE PUBLIC

- Kate Saylor, Gazette, clarification of Bylaw 2050, regarding the passing of the first resolution

- Kate Saylor, Gazette, comments on remuneration and younger contenders

14. ADJOURNMENT

The August 20, 2018, Committee of the Whole Meeting was adjourned at 11:35 am.

Moved by: Ross

THAT the August 20, 2018, Committee of the Whole Meeting be adjourned at 11:35 am.

Carried

Mayor Frank Konrad

Corporate Administrative Assistant -
Daphne Popoff

DRAFT



RECEIVED

AUG 21 2018

THE CORPORATION OF
THE CITY OF GRAND FORKS

Online Delegation Form

YOUR WORSHIP, MAYOR KONRAD, AND MEMBERS OF COUNCIL, I/WE ARE HERE THIS EVENING ON BEHALF OF:

Grand Forks Search and Rescue Society

TO REQUEST THAT YOU CONSIDER:

Our application for 2019 fee for service and to update council on our 2018 fee for service results

THE REASONS THAT I/WE ARE REQUESTING THIS ACTION ARE:

For funds to improve and enhance search and rescue team members' training and personal protective equipment, to acquire and maintain team gear, and to improve the service and capabilities we provide to the community and the public.

I/WE BELIEVE THAT IN APPROVING OUR REQUEST THE COMMUNITY WILL BENEFIT BY:

Better trained search and rescue members on callouts, more members being available to attend search and rescue callouts due to more members being trained and ready to deploy, larger teams available for specialized responses, e.g.: flooding.

I/WE BELIEVE THAT BY NOT APPROVING OUR REQUEST THE RESULT WILL BE:

Diminished team size, reduced specialization capabilities (swift water, flat ice, floodwater, etc.), inability to properly equip team with appropriate gear, and reduced service level.

IN CONCLUSION, I/WE REQUEST THAT COUNCIL FOR THE CITY OF GRAND FORKS ADOPT A RESOLUTION STATING:

that council refers Grand Forks Search and Rescue Society's fee for services request to the 2019 budgeting process.

NAME

Grant Burnard

ORGANIZATION

Grand Forks Search and Rescue Society

MAILING ADDRESS

PO Box 1005
Grand Forks, British Columbia V0H1H0
Canada

TELEPHONE NUMBER

250-666-0306

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funding@gfsar.ca

FILE CODE

*GF Search and
D2 - Rescue Society
2019 Fee for Service Rpt.*

Monthly Highlight Report



To: Committee of the Whole
From: **Management Team**
Date: September 4, 2018
Subject: Monthly Highlight Report
Recommendation: **THAT the Committee of the Whole receives the monthly highlight report for information.**

Fire Department

General

Calls this month: 51 (to Aug 24)
Year to date calls: 394 (to Aug 24)

- Cannafest
 - Fire/Safety Inspection of stage, venue, vendors prior to event
 - Volunteers and Staff on patrol throughout event
 - 18 calls related to Cannafest and attendees – no significant issues
- Area Wildfires
 - Regular updates with BC Wildfire Service and EOC
 - Fire crew and water tender on standby as part of a task force team that is required to respond within 30 minutes by request of the Office of the Fire Commissioner to interface fires in the West Kootenays
 - Volunteers and Staff conducted triage for possible Sprinkler Protection deployment for areas threatened by wildfire in both Toronto Creek and Lynch Creek areas (38 homes)
 - Extra Sprinkler Protection Unit training conducted for volunteers.
 - Delivered evacuation alerts to 47 residents for the Lynch Creek (25 alerts) and Toronto Creek (22 alerts) wildland fires

Outside Works

General

HR: Engineering Technologist hired and started late August.
Initial wayfinding signs printed – pending bracket fabrication and installation on sign posts.
Continued recovery team actions for critical infrastructure and communications.
Prepare nature park and Cannabis delegation bylaw.

Electrical

- Pruning work continued.

Fiscal Economic Growth Community Engagement Community Liveability

- Support of new developments and commercial upgrades by preparing custom work order estimates.
- Change flags and event banners.
- Improve switch yard functionality and backup power supply.
- Oil sampling of pad mount transformers affected by flood water
- Transformer and service upgrade at Canco
- Wiring for renovations at Public Works
- Event Electrical service at Gallery 2

Public Works

- Event support for Cannafest, Taps and Tapas, Park in the Park car show.
- Sidewalk patch and panel replacements.
- Install new irrigation for new infield at Dick Bartlett diamond 2.
- Bridge deck maintenance
- Way Finding sign bases and poles installed in 7 locations
- Two new sharps deposit containers installed Library and Art gallery
- JD Ticket booths and front entrance altered for wheelchair accessibility and refreshed with paint
- Cemetery two new bench pads and new benches
- Campground office completely refreshed from flood damage

Water and Sewer

- Confined Space Entry Program Revision complete and Notice of Compliance submitted to Work safe BC.
- Granby lift station force main replacement complete.
- Sewer/water services repair on 18th St.
- Lift station repairs and pump installations at City Park and Industrial.

Development and Engineering

General

- Ongoing planning and policy support for flood recovery initiatives.
- Ongoing records management and planning file administration.
- Ongoing customer assistance at City Hall front counter.
- Ongoing zoning/development support for building permit issues.

Capital Projects

- Reviewing servicing and development options for airport industrial lands.
- Completion and follow up for 22nd Street upgrades.
- Implementation of sidewalk on 72 Avenue.

Current Planning

- Facilitated, reported on and prepared agreements respecting four (4) land disposition/lease matters.
- Prepared and executed Licence of Occupation for the Grand Forks Wildlife Society.
- Reviewed, reported on and prepared draft permits for a temporary use and development permit for a tiny house on wheels.

- Prepared batch update of address assignments in the City.
- Facilitated subdivision construction and completion for 10 lots and provided servicing assistance for several new single-family homes.
- Coordinated servicing, extra parking arrangements and sign permits for the Tim Hortons development.
- Prepared background information and attended 15 pre-application and development-related meetings.
- Prepared background information, attended meetings and provided resources to BC Housing with respect to potential housing initiatives in Grand Forks.
- Responded to approximately 50 land use, business license, servicing and other property-related inquiries.

Long Range Planning

- Acted as secretary for the Ad Hoc Housing Committee.
- Ongoing coordination and updating of planning processes and procedures.
- Commenced consolidation (for convenience) of Zoning Bylaw and OCP.

Business Licenses

- Processed and approved four (4) business licenses.

Building Inspection and Bylaw Enforcement

General

- With few exceptions, all homes which experienced flood damage are currently in various states of repair, or removal.
- 21 letters have been sent to property owners with no apparent signs of activity asking what their intentions may be.
- A few businesses coming back to life (Saini's Building, Golden Chopsticks, The Source Building).

Bylaw Services

- 0 watering violations.
- 2 abandoned camps removed.
- 1 derelict RV evicted from City Park.
- Several noise complaints investigated.
- 4 Business License complaints investigated.
- 2 RCMP assists, open drug activity in the City on the rise.
- 2 fire damaged properties in process of resolution.

Building Inspection

Building Permit applications this reporting period: **12**

Year to date Building Permit applications: **156**

Year to date construction value: **\$6,584,349** (2017 year end = \$3,762,202)

- 9 permit applications received for flood damage repairs (90 total this year)

Corporate Services

Corporate

- Prepared and facilitated Council Meetings (1 COTW, 1 Regular, 2 In-Camera, 2 Special to go In-Camera Meetings)
- Prepared weekly summaries/updates (2 for Council, 4 for Staff and Council)
- Corporate Tasks completed: 6 (to Aug 25)
- Human Resources Duties
- Continued transition of Corporate Officer and Deputy Corporate Officer duties
- Attended EOC update meetings and conference calls (CAO)

Information Technology

- Information Technology tasks completed: 4 (to Aug 25)
- Technology support for Recovery Team
- ESRI GIS software – installation completed and handed over the PW Engineering Technologist
- Apteon SaaS migration – moved Vadim, VadimOpen, and Worktech Databases to Apteon hosted solutions – major project that was planned and worked on for over 1 year.
- Records Management Update and review – ongoing project for 3 years:
 - SharePoint as records storage location:
 - Continued Mail log changes planning and review with staff
 - Continued general research
 - Continued Access control list configurations
 - Naming conventions review
 - Job classifications
 - Retention and disposition labeling review
 - SharePoint as Photo Storage to resolve in-house storage issues

Financial Services

General

- 2019 Permissive Tax Exemption Bylaw 2049 first three readings Aug 20th
 - Introduced Council Remuneration and Expenses Bylaw 2050
 - Introduced Financial Plan Amendment Bylaw 2045-A1
 - Prepared 2019 Revenue Anticipation Bylaw 2051 for introduction Sep 4th
 - Invoices in progress for EOC reimbursement
 - Provided campground revenue information for determination of business interruption insurance loss amount
 - Ongoing reactivation of utility accounts for residents who have reoccupied their homes
 - Provided Disaster Financial Assistance eligibility information to Emergency Management BC
 - Responded to requests from the public regarding flooding, property damage, disaster financial assistance, utility reconnections and billing, etc.
 - Follow-up with owners & mortgage holders on tax sale properties
 - Processed homeowner grant applications and property tax and utility payments
-

Request for Decision



To: Committee of the Whole
From: Chief Financial Officer
Date: September 4, 2018
Subject: Bylaw No. 2051 - 2019 Revenue Anticipation Borrowing Bylaw
Recommendation: That the Committee of the Whole recommends that Council give first three readings to "2019 Revenue Anticipation Borrowing Bylaw, No. 2051" at the September 24th, 2018 Regular Meeting of Council.

Background

The Community Charter gives municipalities the authority to borrow money to cover obligations during the period between the beginning of the fiscal year and the property tax payment due date of the first working day after July 1.

Although the City does not anticipate any need to borrow against its line of credit, the adoption of an annual Revenue Anticipation Bylaw is a requirement of the City's operating loan (overdraft) agreement with the Grand Forks Credit Union.

Bylaw 2051 is the City's proposed 2019 Revenue Anticipation Borrowing Bylaw.

Benefits or Impacts

General

This bylaw is a Statutory and Contractual requirement for the City's overdraft arrangements with the Grand Forks Credit Union.

Strategic Impact



Fiscal Responsibility

The City currently has an operating loan agreement to borrow up to \$2,000,000 (two million dollars).

Policy/Legislation

This is an annual bylaw which is covered under Section 177 of the Community Charter and fulfils the requirement of the banking agreement with the Credit Union.

Attachments

Bylaw No. 2051 “2019 Revenue Anticipation Borrowing Bylaw”

Recommendation

That the Committee of the Whole recommends that Council give first three readings to “2019 Revenue Anticipation Borrowing Bylaw, No. 2051” at the September 24th, 2018 Regular Meeting of Council.

Options

1. RESOLVED THAT Committee of the Whole accepts the recommendation.
2. RESOLVED THAT Committee of the Whole does not accept the recommendation.
3. RESOLVED THAT Committee of the Whole refers the matter back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2051

A Bylaw Authorizing the Corporation of the City of Grand Forks to Borrow the Sum of Two Million Dollars to Meet the Current Lawful Expenditures of the City

The Council for the Corporation of the City of Grand Forks, in open meeting assembled, enacts as follows:

1. This bylaw may be cited, for all purposes as the “2019 Revenue Anticipation Borrowing Bylaw, No. 2051”.
2. It shall be lawful for the Corporation of the City of Grand Forks to establish a line of credit to borrow upon the credit of the City, from the Grand Forks Credit Union, the sum, at any one time, of up to Two Million Dollars (\$2,000,000) in such amounts and at such times as may be required, bearing interest at a rate not exceeding the rate established for Municipalities, as set by the Grand Forks Credit Union from time to time.
3. That the money borrowed and interest thereon, shall be repaid on or before the 31st day of December 2019.
4. That the amounts so borrowed shall be a liability payable out of the City’s revenues for the year ended December 31st, 2019.
5. That the form of the obligation to be given as an acknowledgment of the liability to the Grand Forks Credit Union shall be a promissory note(s) or overdraft lending agreement for sums as may be required from time to time, signed by the Mayor and the Chief Financial Officer of the City and shall bear the Corporate Seal and all such notes(s) or overdraft lending agreements shall be made payable on or before the 31st day of December, 2019.

Read a first, second and third time by the Municipal Council this 24th day of September, 2018.

Finally adopted on this 9th day of October, 2018.

Frank Konrad – Mayor

Corporate Officer - Daniel Drexler

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of "2019 Revenue Anticipation Borrowing Bylaw, No. 2051", as adopted by the Municipal Council of the Corporation of the City of Grand Forks on the 9th day of October, 2018.

Corporate Officer of the Municipal Council of the Corporation
of the City of Grand Forks

DRAFT

Request for Decision



To: Committee of the Whole
From: **Corporate Services**
Date: August 22, 2018
Subject: Bylaw No. 2054 – Smoke And Vape Free Places Bylaw
Recommendation: **THAT the Committee of the Whole recommends to Council to give the first three readings to Bylaw No. 2054, “Smoke And Vape Free Places Bylaw” at the September 24th, 2018 Regular Meeting of Council.**

Background

The Community Charter gives municipalities the authority to establish certain prohibitions in public places for the health and well-being of its citizens.

The BC Provincial Government enacted section 2.3 of the *Tobacco Control Act* in March of 2008, prohibiting smoking within public and work places, covering indoor areas and outdoor work areas. As the percentage of smokers decreases, in British Columbia a country-wide low of 10.2% of the population as of 2015, there is increased demand for smoke-free areas outdoors as well as indoors.

The Federal Government’s Bill 45 (the “Cannabis Act”) comes into effect on October 17, 2018, legalizing recreational use of cannabis nationwide.

Bylaw 2054 is the City’s proposed Smoke And Vape Free Places Bylaw. This bylaw designates outdoor public spaces including parks, playgrounds, public sidewalks, and the main core of downtown (Market Avenue) as no smoking areas for tobacco, cannabis, and other products, limiting the use of these products to areas minimizing exposure to second-hand smoke to other residents.

The bylaw was prepared at the request of Council, and is presented for discussion and feedback purposes.

Part of the process will also require an amendment to the MTI bylaw to include fines. This MTI Amendment Bylaw would be presented for first three readings on September 24, 2018 as well at the Regular Meeting of Council.

Benefits or Impacts

General

This bylaw addresses the health and well-being of the citizens of Grand Forks.

Strategic Impact



Community Livability

- The bylaw addresses feedback from residents impacting Community Liveability.

Policy/Legislation

This bylaw enhances smoking area limitations defined by the *Tobacco Control Act*, and sets other limitations in place in advance of the forthcoming *Cannabis Act* implementation.

Attachments

Bylaw No. 2054 “Smoke And Vape Free Places Bylaw”

Recommendation

THAT the Committee of the Whole recommends to Council to give the first three readings to Bylaw No. 2054, “Smoke And Vape Free Places Bylaw” at the September 24th, 2018 Regular Meeting of Council.

Options

1. THAT the Committee of the Whole accepts the recommendation.
2. THAT the Committee of the Whole does not accept the recommendation.
3. THAT the Committee of the Whole refers the matter back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2054

A Bylaw to Designate Smoke and Vape-free Outdoor Places in the City of Grand Forks

The Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. **Citation**

1.1 This bylaw may be cited as the “**Smoke and Vape-free Outdoor Places Bylaw 2054.**”

2. **Definitions**

2.1 In this bylaw, unless the context requires otherwise:

“**Bylaw Enforcement Officer**” means the person duly appointed by Council as such, and shall include any peace officer.

“**Cannabis**” means cannabis as defined in the *Cannabis Act* (Bill C-45, an Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the *Criminal Code* and other Acts.

“**City**” means the City of Grand Forks.

“**Community Facility**” means a building, lands or recreation facility including but not limited to recreation centers, arenas, picnic shelters and other recreation facilities located in a Park or on any other land which the City owns or controls by means of a lease, licence or other legal instrument that is intended for athletic, social, cultural, recreational, or other use by members or visitors to the community.

“**Entranceway**” includes but is not limited to doorways, verandahs, stairways, air intake systems and windows.

“**Municipal Ticketing Information Bylaw**” means the City of Grand Forks’ current Municipal Ticketing Information Bylaw, including all amendments and replacements thereto.

“**Outdoor Public Event**” means any event where the public is invited to gather on any outdoor area of City owned, controlled or operated property, including any park, public square or street, including, but not limited to:

- a) a market, contest, festival, celebration, fair, exhibition or concert;
- b) an outdoor public event on any City owned, controlled or operated property that is leased to a third party; or

- c) any event for which a City rental or use permit is required

“Outdoor Public Space” means any outdoor area owned, controlled, or operated by the City that is open to the public or to which the public is customarily admitted or invited, including but not limited to:

- a) park,
- b) sports venue, stadium, or sports facility,
- c) outdoor recreational facility,
- d) utility easement,
- e) cemetery,
- f) public streets, when used as part of an outdoor public event.

“Park” means any real property or property subject to a right of occupation by the City of Grand Forks for the purpose of pleasure, recreation or community uses by the public, including but not limited to parks, playgrounds, splashpads, sport courts, natural and landscaped areas, sports fields, trails, walkways and other public places and all improvements and may include beaches, and other public places adjacent to lakes or streams including foreshore or land covered by water.

“Prescribed Distance” means the distance specified in B.C. Reg. 232/2007 (*Tobacco and Vapour Products Control Regulation*), including all amendments and replacements thereto, as the distance from a doorway, window, or air intake in which a person must not smoke tobacco, **or** 6 metres, whichever is greater.

“Public Premise” means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.

“Public Vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee.

“School Property” means property that is owned or leased by, or operated under the authority of, a board established under the School Act or the Independent School Act, and used for the purposes of delivering educational programs or other learning programs, and includes real property and improvements.

“Smoke” or **“Smoking”** means to inhale, exhale, burn or carry a lighted cigarette, electronic cigarette, cigar, pipe, hookah pipe or other lighted or heated smoking equipment that burns tobacco, Cannabis or any other weed or substance but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.

3. Smoking Regulation

3.1 No Person may Smoke:

- a) In a Public Premise or a Public Vehicle,
- b) In, on, or within the Prescribed Distance of a:

- i. Community Facility,
 - ii. Outdoor Public Space,
 - iii. Park,
 - iv. Picnic area,
 - v. School Property,
 - vi. playground or playing field,
 - vii. skateboard or bike park,
 - viii. public tennis court or swimming pool lot,
 - ix. community garden,
- c) within the Core Commercial (CC) zoned area of Market Avenue between Riverside Drive and 5th Street (excluding alleys and private parking lots),
 - d) on public sidewalks,
 - e) on a City street when used as part of an Outdoor Public Event,
 - f) inside or within the Prescribed Distance of any public building or space in which the City owns or holds an interest,
 - g) inside a motor vehicle or equipment owned, leased, or used by the City.

3.2 This Bylaw does not apply to:

- a) a designated smoking area established for the purpose of an Outdoor Public Event with the area being determined by and with the agreement of both the City and the event organizer,
- b) Aboriginal cultural activity,
- c) carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.

4. Offences and Penalties

4.1 A violation of a provision of this Bylaw will result in liability for penalties and late payment amounts established in the City's Municipal Ticketing Information Bylaw.

4.2 A Person who contravenes, violates, or fails to comply with any provision of this Bylaw is deemed to have committed an offence under this Bylaw, and is liable on summary conviction to a fine not exceeding \$2,000 for each offence.

4.3 Each violation of this Bylaw constitutes a separate offence.

4.4 If a Bylaw Enforcement Officer has determined that a Person has violated a provision of this Bylaw, that Person must, when requested by the Bylaw Enforcement Officer, provide their name and address to the Officer.

4.5 Bylaw Enforcement Officers are designated to enforce this Bylaw by means of the Bylaw Notice under the Community Charter.

- 4.6 No Person shall interfere with, delay, obstruct, or impede the Bylaw Enforcement Officer, designate, or other person lawfully authorized to enforce this Bylaw in the performance of duties.
- 4.7 The Bylaw Enforcement Officer has the right to enter at all reasonable hours any land or building to which this Bylaw applies in order to ascertain whether the provisions of this Bylaw are being complied with.

5. General

- 5.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 5.2 If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

Read a first, second, and third time on the ___ day of ___, 2018.

Adopted this ___ day of ___, 2018.

Mayor

Corporate Officer