



Item .....  
Meeting.....2021 May 10

Council REPORT

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**TO:** ACTING CITY MANAGER **DATE:** 2021 April 29

**FROM:** DIRECTOR PARKS, RECREATION & CULTURAL SERVICES **FILE:**  
DIRECTOR PLANNING & BUILDING *Reference:*  
DIRECTOR PUBLIC SAFETY &  
COMMUNITY SERVICES

**SUBJECT: REGULATION OF SMOKING IN BURNABY**

**PURPOSE:** To seek Council authority to bring forward a report on a broader approach to regulating smoking in Burnaby.

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**RECOMMENDATION:**

1. **THAT** Council direct staff to bring forward a report on a broader approach to regulating smoking in Burnaby.
2. **THAT** *Burnaby Business Licence Bylaw 2017, Amendment Bylaw No. 2, 2020 (Bylaw #14220) and Burnaby Bylaw Notice Enforcement Bylaw 2009, Amendment No. 2, 2020 (Bylaw #14221) be repealed concurrently with the implementation of the broader smoking regulations.*

**REPORT**

**1.0 BACKGROUND**

City staff have received several directions in respect to implementing smoking regulations in Burnaby. At its 2019 June 11 meeting, the City's Parks, Recreation and Culture Commission referred the following Notice of Motion to staff:

**THAT** smoking of all substances be banned in City of Burnaby parks.

Following receipt of a report addressing the above Motion, the Commission further approved the following Recommendations:

**THAT** staff be authorized to pursue the preparation of a further report outlining specific bylaw text amendments to the Burnaby Parks Regulation Bylaw 1979, Bylaw #7331, to include a ban on smoking and vaping of all substances in City of Burnaby parks, as outlined in this report.

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**THAT** Council authorize staff to examine the feasibility and advisability of extending the ban on smoking and vaping of all substances to all public places in the City of Burnaby.

At its 2019 September 16 Open meeting, Council amended the second Recommendation from the Parks, Recreation and Culture Commission and adopted the following resolution:

**THAT** Council authorize staff to examine the feasibility and advisability of extending the ban on smoking and vaping of all substances to all public places owned, controlled or operated by the City of Burnaby.

In addition to these Council directions, the following bylaws were adopted at the 2021 January 25 Council meeting to implement and enforce regulation of smoking in business premises: *Burnaby Business Licence Bylaw 2017, Amendment Bylaw No. 2, 2020* (Bylaw #14220) and *Burnaby Bylaw Notice Enforcement Bylaw 2009, Amendment No. 2, 2020* (Bylaw #14221). These two bylaws are scheduled to come into force on 2022 January 01.

The above directions and bylaws address similar and overlapping issues. The purpose of this report is to seek Council direction for staff to bring forward a broader approach to regulating smoking in the City which addresses the scope of the above directions and Bylaws #14220 and #14221.

## 2.0 POLICY SECTION

The subject matter of this report is in alignment with the Corporate Strategic Plan Goals of:

### A Healthy Community

- Healthy life – Encourage opportunities for healthy living and well-being
- Healthy environment – Enhance our environmental health, resilience and sustainability

## 3.0 DISCUSSION

City staff have been working on the various directions from Council and Parks, Recreation and Culture Commission in respect to regulating smoking in City parks and public places.

Specifically, the directions from Council and Parks, Recreation and Culture Commission to staff are as follows:

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- preparation of a further report outlining specific bylaw text amendments to the Burnaby Parks Regulation Bylaw 1979 to include a ban on smoking and vaping of all substances in City of Burnaby parks; and
- examine the feasibility and advisability of extending the ban on smoking and vaping of all substances to all public places owned, controlled or operated by the City.

In addition to these directions, Council has already adopted bylaws to regulate and enforce smoking in business premises (Bylaws #14220 and #14221). Bylaw #14220 amends *Burnaby Business Licence Bylaw 2017* to prohibit smoking of tobacco, cannabis, other weed or any substance within the enclosed parts of a business premises as well as partially enclosed or unenclosed customer service areas where food or beverage are served for onsite consumption. Bylaw #14221 amends *Burnaby Bylaw Notice Enforcement Bylaw 2009* to authorize the issuance of violation penalties for non-compliance with the smoking in business premises regulations. Although these bylaws were adopted at the 2021 January 25 Open Council meeting, the regulations and penalties do not come into effect until 2022 January 01.

In staff's review of the Council and Commission directions and the scope of Bylaws #14220 and #14221, similar and overlapping policy and regulatory issues were identified. As such, staff recommend bringing forward a comprehensive approach to regulating smoking in Burnaby and seeks Council authority to do so.

In place of separate bylaw approaches, staff are proposing to address smoking regulation by way of a comprehensive set of policies and regulations which address:

- smoking and vaping of all substances in City parks;
- which public places owned, controlled or operated by the City would be the subject of smoking and vaping regulations;
- what smoking and vaping regulations will apply to business premises; and
- appropriate education and enforcement mechanisms.

The report would outline the components of the comprehensive policies and bylaw regulations for Council's consideration. Furthermore, staff recommend that concurrently with the implementation of the broader approach to regulating smoking in the City, Council repeal Bylaws #14220 and #14221 as these bylaws would be redundant to the more comprehensive policies and bylaw regulations.

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#### 4.0 CONCLUSION

Given the overlapping issues to be addressed by staff in responding to Council and Parks, Recreation and Culture Commission's directions in respect to regulating smoking in the City, staff are seeking Council authority to bring forward a report outlining a more comprehensive set of smoking policies and regulations for the City. Since Bylaws #14220 and #14221 would be rendered redundant as a result of the proposed broader approach, staff further recommend that Council repeal Bylaws #14220 and #14221 when the broader regulatory bylaws are brought forward.



Dave Ellenwood  
DIRECTOR PARKS,  
RECREATION & CULTURAL SERVICES



for: Ed Kozak  
DIRECTOR PLANNING & BUILDING



Dave Critchley  
DIRECTOR PUBLIC SAFETY  
& COMMUNITY SERVICES

Copied to: Director Corporate Services  
City Solicitor