



**REPORT TO THE PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE  
MEETING OF WEDNESDAY, 28 MARCH, 2012**

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**SUBJECT** BYLAW NO. 3818 "CAPITAL REGIONAL DISTRICT TICKET INFORMATION AUTHORIZATION BYLAW, 1990, AMENDMENT BYLAW NO. 49, 2012" - AMENDMENT TO BYLAW NO. 1857, "CAPITAL REGIONAL DISTRICT TICKET INFORMATION AUTHORIZATION BYLAW, 1990"

**ISSUE**

To enable enforcement of Bylaw No. 3711 (Capital Regional District Tanning Facility Regulations Bylaw No. 1, 2010) (the "Tanning Bylaw") by amending Bylaw No. 1857, Capital Regional District Ticket Information Authorization Bylaw, 1990.

**BACKGROUND**

The Capital Regional District (CRD) Board adopted the Tanning Bylaw in 2011 and requested an implementation strategy be developed and undertaken prior to enforcement. Appendix "A" (attached) outlines the Tanning Bylaw implementation strategy employed by the Vancouver Island Health Authority since the bylaw was approved by the Board.

In order to enable enforcement of this bylaw, a consequential amendment is required of Bylaw No. 1857 to include a fine schedule for Municipal Ticket Information. The Tanning Bylaw anticipated a number of specific offences, and these are outlined in the attached Ticket Information Authorization Bylaw, along with associated fines.

At the time of writing this report, the Ministry of Health has advised it will make an announcement on proposed tanning bed regulations in British Columbia. The scope and timing for implementation of these proposed regulations is to be determined.

**ALTERNATIVES**

That the Planning, Transportation and Protective Services Committee recommends to the CRD Board that:

1. a) Bylaw No. 3818, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 49, 2012", authorizing fines of \$500 (first offence) and \$1,000 (subsequent offences), be introduced and read a first and second time;  
b) Bylaw No. 3818 be read a third time; and  
c) Bylaw No. 3818 be adopted.
2. Staff be directed to amend the recommended fines structure and to return with a revised recommended amendment to the Ticket Information Bylaw.
3. A decision on amending the CRD Ticket Information Bylaw be deferred until more information is available on the scope and timing for implementation of the anticipated Provincial tanning bed regulations.

### **FINANCIAL IMPLICATIONS**

Alternative 1 would result in some recovery of enforcement costs; however, the intent is to have the fines serve as a deterrent rather than as a source of revenue.

Alternative 2 would have no clear benefit as staff have confirmed with the Vancouver Island Health Authority and CRD Bylaw Officers that the recommended fine structure should be a sufficient deterrent.

Alternative 3 would have no financial implications.

### **LEGAL IMPLICATIONS**

Staff has confirmed that fines of \$1,000 or less per offence are within the regulatory authority granted to the CRD.

### **INTER-GOVERNMENTAL IMPLICATIONS**

The implications for the CRD Tanning Bylaw of the proposed Provincial Tanning Bed regulations (see attached Ministry of Health March 20 announcement - Appendix "B") are not clear at this time. Whether the Province orders the CRD to rescind the bylaw or to modify it, and to what extent, will depend upon the actual Provincial regulations, which are not expected to come into effect until the fall of 2012.

### **CONCLUSIONS**

In order to allow full implementation and enforcement of the CRD Tanning Facility Regulation Bylaw No. 1, 2010, staff recommends approval of the proposed amendments to the Capital Regional District Ticket Information Authorization Bylaw, No. 1857. Staff has obtained legal advice that until such time as the CRD Tanning Bylaw is deemed to be in violation of any future Provincial Statute it is valid and enforceable.

### **RECOMMENDATION**

That the Planning, Transportation and Protective Services Committee recommends to the Board that:

1. a) Bylaw No. 3818, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 49, 2012", authorizing fines of \$500 (first offence) and \$1,000 (subsequent offences), be introduced and read a first and second time;
- b) Bylaw No. 3818 be read a third time; and
- c) Bylaw No. 3818 be adopted.

\*\*\*ORIGINAL SIGNED\*\*\*

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Don Brown, Chief Bylaw Officer  
Bylaw & Animal Care

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Maurice Rachwalski, Senior Manager  
Health & Capital Planning Strategies

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Robert Lapham (MCIP)  
General Manager Planning & Protective Services  
Concurrence

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Kelly Daniels  
Chief Administrative Officer  
Concurrence

Attachments: 2

COMMENTS:

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## Implementation Strategies:

### 1. Tanning Bylaw - VIHA Education and Outreach Activities

Since the final adoption of the Tanning Bylaw in October 2010, Health Protection and Environmental Services within VIHA has reviewed the listings for, and created a database of 42 known facilities that offer UV tanning services in the Capital Regional District. Each facility owner was contacted and received a personal visit from an Environmental Health Officer (EHO). The type of information *collected* on the facility during the site visit included, the name of the facility and owner, as well as contact information, the type and number of ultraviolet (UV) beds in use. Also, the presence or absences of "Exposure Schedules" were noted. These are equipment-specific tag information used by customers to determine the recommended length of tanning by the manufacturer. The materials *provided* to Salon Operators during each site visit included:

- A printed copy of the entire **Tanning Bylaw**;
- A printed and laminated **Warning Sign** was provided for each UV bed;
- A document called **Summary of the Requirements from the Bylaw for the Salon Operator** was provided so that the expectations for Bylaw compliance were clear;
- A simple **Health Brochure** for tanning customers that summarizes the 5-page Health Risk Information required by the Bylaw in schedule B and could voluntarily be distributed;
- A **sticker** that could voluntarily be placed in the salon window, showing "No UV Tanning for Minors under 18 years Allowed"

### 2. Salon Owner Responses

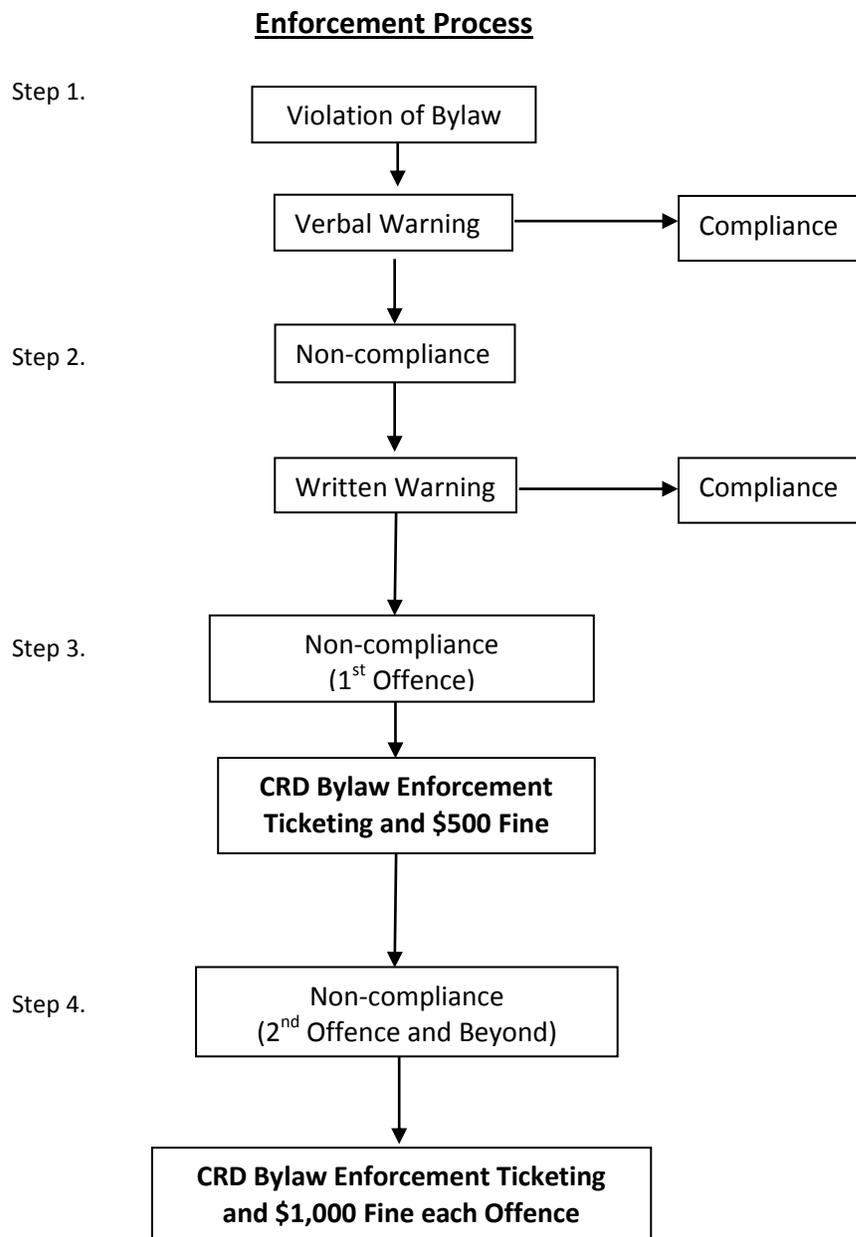
- The majority of the Tanning Salon owners were cooperative with the information sharing process. The materials that outline the expectation of the Bylaw were well received. Small subsamples of the first salons contacted were re-inspected to ensure that directions that were given were being followed with regards to signage posting at each tanning bed. A smaller number of this subset of salon owners required reminders that the Warning Signage posted at each tanning bed cannot be obscured from view! One salon owner with two outlets even expressed support for the Bylaw and the under 18 ban.
- Two Salon operators refused to provide any information on their tanning equipment to the HPES inspectors. Both inspectors were able to make their own brief notes of the number and type of UV tanning beds and cursorily determine whether the Federally required "exposure schedules" were present.

### 3. Bylaw Enforcement

- Complaints of non-compliance with the CRD Bylaw will be received and followed up on by VHIA Environmental Health Officers.
- It is expected that a consultative, educational and collaborative approach will be taken by the Environmental Health Officers when responding to complaints. This can include site visits, issuance of warning letters, and face to face meetings with salon operators. This graduated enforcement approach is universally accepted best practice to achieve compliance with legislative and policy requirements and contributes to maintaining and/or enhancing effective working relationships with operators, stakeholders and the public.
- When this initial strategy does not result in compliance with the bylaw then enforcement action in the form of a violation ticket should be considered. CRD bylaw law enforcement officers will provide ticketing and fine collection support, if required.

Enforcement Phase 1: VIHA Environmental Health Officers (EHO)

- All complaints shall be directed to VIHA gateway Office – 250-475-1858
- Initial contact with Gateway Reception, they will complete a Complaint Intake Form and forward to local EHO based on geographic area.  
Complaint Intake to include:
  - Type of complaint
  - Location of complaint
  - Description of event
  - Advise complainant that the file will be passed to EHO
  - EHO contact complainant-clarify infraction (see Enforcement Process Steps 1 and 2)
- Following EHO involvement in Steps 1 and 2, CRD Bylaw enforcement is initiated for Steps 3 and 4, involving ticketing, ticket prosecution and fine collection.



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3818**

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**A BYLAW TO AMEND BYLAW NO. 1857, BEING "CAPITAL REGIONAL DISTRICT TICKET INFORMATION  
AUTHORIZATION BYLAW 1990"**

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The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990 is amended as follows:
  - (1) by adding Schedule 35 as attached.
  - (2) By amending Schedule 1 by adding:  
  
34. Capital Regional District Tanning Facility Bylaw Enforcement Officer Regulation Bylaw No. 1, 2010
2. This Bylaw may be cited as "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 49, 2012".

READ A FIRST TIME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A SECOND TIME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A THIRD TIME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE 35 TO BYLAW NO. 1857**

**TANNING FACILITY REGULATION BYLAW NO.1, 2010**

<b>WORDS OR EXPRESSIONS DESIGNATING OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>	
		<b>First Offence</b>	<b>Second and Subsequent Offence(s)</b>
1. Fail to comply with bylaw regulations	2. (2)(a)	\$500.00	\$1000.00
2. Non-compliant tanning equipment	2. (2)(b)	\$500.00	\$1000.00
3. Fail to allow entry for inspection	3. (1)	\$500.00	\$1000.00
4. Fail to provide adequate washing water	4. (1)	\$500.00	\$1000.00
5. Fail to maintain clean premises	4. (2)	\$500.00	\$1000.00
6. Fail to display warning signs	5. (1)(a)	\$500.00	\$1000.00
7. Fail to display proper sign	5. (1)(b)	\$500.00	\$1000.00
8. Fail to provide protective eye wear	5. (2)(a)	\$500.00	\$1000.00
9. Allowing customer to not wear protective eye wear	5. (2)(b)	\$500.00	\$1000.00
10. Improperly designed tanning equipment	5. (3)(a)	\$500.00	\$1000.00
11. Allowing self-service tanning equipment	5. (3)(b)	\$500.00	\$1000.00
12. Fail to maintain tanning equipment	5. (3)(c)	\$500.00	\$1000.00
13. Fail to sanitize eye wear	5. (4)(a)	\$500.00	\$1000.00
14. Fail to sanitize tanning equipment	5. (4)(b)	\$500.00	\$1000.00
15. Allowing customer to sanitize equipment	5. (4)(c)	\$500.00	\$1000.00
16. Fail to provide information to customers	5. (5)(a)	\$500.00	\$1000.00
17. Allow minor to use tanning equipment	6. (1)	\$500.00	\$1000.00
18. Fail to check age identification	6. (2)	\$500.00	\$1000.00

# NEWS RELEASE

For Immediate Release

2012HLTH0023-000317

March 20, 2012

Ministry of Health

## **Province to ban young people from tanning beds**

VANCOUVER – The Province today announced that it will ban commercial tanning bed use by young people under the age of 18 to reduce the chances of developing skin cancer later in life.

"Unfortunately, cancer affects thousands of British Columbian families with one in three people expected to develop some form of cancer – such as skin cancer like melanoma – in their lifetime," said Health Minister Michael de Jong. "After a great deal of consideration of clinical evidence, commissioning a report to provide options and listening to what local governments had to say at the Union of B.C. Municipalities Convention last year, government has decided to restrict access to tanning beds for young people under the age of 18."

Studies have shown that indoor tanning before the age of 35 raises the risk of melanoma by 75 per cent. Melanoma is the most deadly type of skin cancer. In Canada, the incidence rates of melanoma are rising every year. Overall, skin cancer is the most common type of cancer in Canada, and yet it is also one of the most preventable.

In 2012, the BC Cancer Agency estimates that 966 British Columbians will be diagnosed with melanoma and 150 will die of it. One in 69 females and one in 56 males is expected to develop melanoma during their lifetime. One in 413 females and one in 284 males is expected to die of melanoma.

"As a stage four melanoma survivor, I am living proof of the dangers of tanning as a young person," said Kathleen Barnard, founder of Save Your Skin Foundation. "I welcome today's announcement to ban people under 18 from tanning beds as anything we can do to prevent skin cancer later in life is good news for the patients who go through treatment and the hundreds of families that are ripped apart by this potentially deadly disease."

"This is another step forward in cancer prevention," said Canadian Cancer Society, BC and Yukon, CEO Barbara Kaminsky. "This decision to introduce this public policy is both evidence-based and has the support of the majority of British Columbians."

"Skin cancer is a deadly disease and it's important that young people are aware of the risks associated with UV rays," said City of Surrey councillor Mary Martin, chair of the city's Community Health Programs Committee. "We know that tanning bed usage has increased over the past few decades and the new provincewide approach to regulation will ensure consistency among all local governments."

"As the first jurisdiction in B.C. to pass a bylaw banning youth under the age of 18 from using commercial tanning beds, I would like to congratulate the Province on taking up this initiative," said Capital Regional District vice chair mayor Graham Hill. "It is the right thing to do as we try to reduce cancer rates wherever possible."

“Getting a tan might be a popular option among many young people, but research has shown that it can result in potentially deadly skin cancers later in life,” said Dr. Andy Coldman, BC Cancer Agency vice-president, population oncology. “Restricting access to tanning beds for youth will help reduce the risk of these cancers later in life, and so I applaud today’s decision by the provincial government.”

The proposed regulation under the Public Health Act will ban the use of commercial indoor tanning beds by youth under the age of 18, unless they have a medical prescription. It is anticipated to take effect fall 2012.

The announcement follows the release of a report compiled by an Indoor Tanning Working Group that was put together at the request of the Health Minister in fall 2011 to provide recommendations and options.

The working group was established following the introduction of a bylaw that banned minors under the age of 18 from using indoor tanning beds by the Capital Regional District in Victoria, as well as a subsequent number of requests for a provincewide ban.

The report included the recommendation of implementing a ban for youth under the age of 18 years from using commercial indoor tanning equipment without a medical prescription.

The report is available online at: [www.health.gov.bc.ca/library/publications/index.html](http://www.health.gov.bc.ca/library/publications/index.html)

#### **Quick Facts:**

Approximately one in three British Columbians will develop some form of cancer in their lifetime.

Estimated new cancer diagnoses in British Columbia for 2012: 23,933.

Estimated new cancer diagnoses for 2025: 34,056.

Despite these statistics, which are a result of our increasing and aging population and are being seen worldwide, B.C. has some of the most favourable outcomes in North America.

According to 2010 estimates in the Canadian Cancer Society’s Canadian Cancer Statistics report, “mortality rates for all cancers combined are lowest in B.C.”

In 2004, the total economic burden of skin cancer in Canada was estimated to be \$532 million – the majority being attributable to melanoma (83.4 per cent), and the balance distributed between basal cell carcinoma (9.1 per cent) and squamous cell carcinoma (7.5 per cent).

Of the \$532 million, \$66 million (12.4 per cent) is associated with direct costs and \$466 million (87.6 per cent) with indirect costs.

- Direct costs include primary care, day surgery and hospital care.
- Indirect costs include lost productive time from mortality and morbidity.

**For More information:**

On melanoma and its causes, treatment and symptoms, visit:

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

The report Canadian Cancer Statistics 2011 from the Canadian Cancer Society:

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

The report from the B.C. Tanning Working Group:

[www.health.gov.bc.ca/library/publications/index.html/](http://www.health.gov.bc.ca/library/publications/index.html/)

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Connect with the Province of B.C. at: [www.gov.bc.ca/connect](http://www.gov.bc.ca/connect)