



BYLAW

Smoking Control Bylaw No. 570, 2018

DISCLAIMER

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AMENDMENTS

Number	Date	Amendment

DISTRICT OF SEHELDT
Bylaw No. 570, 2018

A Bylaw To Regulate Smoking Within The District Of Sechelt

WHEREAS pursuant to the *Community Charter* and Public Health Bylaws Regulations, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to public health;

AND WHEREAS it has been determined that second-hand tobacco smoke is a health hazard and nuisance for many inhabitants of and visitors to the District of Sechelt;

AND WHEREAS Section 9(4) of the *Community Charter*, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted under subsections 2(a) or (b) of B.C. Reg. 42/2004 not be adopted unless a copy of it is first deposited with the Minister of Health, and the local government has consulted with either the Regional Health Board or Medical Health Officer responsible for public health matters within the municipality;

AND WHEREAS the District of Sechelt has satisfied the preconditions to adopting this Bylaw set out in the Public Health Bylaws Regulation, B.C. Reg. 42/2004;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

1.0 CITATION

The name of this bylaw for citation purposes is "District of Sechelt Smoking Control Bylaw No. 570, 2018".

2.0 DEFINITIONS

2.1 In this bylaw:

Bylaw Enforcement Officer means any person appointed or designated by the Council of the District under the *Community Charter* or *Police Act*, or both, to enforce the provisions of the District Bylaws.

Council means the Municipal Council of the District of Sechelt;

Common Area includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

Customer Service Area means a partially-enclosed or unenclosed area, including any balcony, patio, yard or sidewalk, that is part of or connected to a business or use in a building or premises that includes the service of food or beverages (both alcoholic or non-alcoholic) to customers or other individuals for consumption in that area.

Outdoor Public Event means any public event where the public is invited to gather on any outdoor area of District owned, controlled or operated property, including any park, public plaza, square or gathering place, including, but not limited to:

- (a) A festival, fair, exhibition or concert;
- (b) An outdoor public event on any District owned, controlled or operated property that is leased to a third party; or
- (c) An event for which a District rental or event permit is required.

Outdoor Public Space means any outdoor area owned, controlled, or operated by the District that is open to the public or to which the public is customarily admitted and invited, and includes any:

- (a) Children's playground
- (b) Playing field, sports fields, arena, skating rink or sports facility
- (c) Designated trails, pathways, parks and beaches
- (d) Any deck, seating area, viewing area or other place used in association with a community recreation space
- (e) Bike and skate parks.

Place of Public Assembly means a building or portion of a building or other area used for the gathering of persons for such purposes as education, worship, entertainment, recreation, shopping or amusement, including, without limitation, the District of Sechelt offices and community meeting rooms, a shopping mall, arena, recreation centre, church, church hall, auditorium, library, museum, art gallery or similar places.

Smoke or Smoking means to purposely inhale, exhale, burn, or carry a lighted or activated cigar, cigarette, pipe, hookah pipe, or other lighted smoking equipment that burns or vapourizes tobacco or cannabis or other weed or substance but does not apply to the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity.

Transit Stop means bus stops and shelters, any sign-posted location where public transit vehicles stop to pick up riders, taxi stands including water taxi stops, or similar place marked for passenger loading or unloading. The smoke-free buffer distances from a transit stop shall be measured from the sign that identifies the transit stop location.

Vapourizing Device means an electronic device that vapourizes a solid, liquid or gas substance for inhalation.

3.0 GENERAL SMOKING RESTRICTIONS

- 3.1 No person shall smoke in, at, on, or within 7.5 meters of any of the following:
- (a) A transit stop;
 - (b) A customer service area;
 - (c) An outdoor public event;
 - (d) An outdoor public space (except in a private vehicle)
 - (e) Any place of public assembly

4.0 SIGNS

- 4.1 Any person who holds a permit for any outdoor public event or activity that the District has authorized by the issuance of a permit is responsible for displaying a sign on any advertisement or poster promoting the event or activity, stating:

THIS IS A SMOKE FREE EVENT. NO SMOKING PLEASE

- 4.2 A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw.

5.0 POWER TO INSPECT

- 5.1 A Bylaw Enforcement Officer has the right of entry and may enter at all reasonable hours onto any land or into any building to which this Bylaw applies in order to ascertain whether the provisions of this Bylaw are being complied with.

6.0 OBSTRUCTION

- 6.1 A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

7.0 OFFENCES, PENALTIES AND ENFORCEMENT

- 7.1 Every person or proprietor who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw and;
- (a) Shall be liable to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012; or
 - (b) Shall be liable, upon summary conviction, to the penalties provided under the "Offence Act" and amendments thereto.

8.0 SEVERABILITY

- 8.1 If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

9.0 REPEAL

9.1 “District of Sechelt Non-Smoking Area Bylaw, No. 138, 1991” is repealed.

10.0 EFFECTIVE DATE

10.1 This Bylaw comes into force and effect on the date of approval by the Minister of Health.

READ A FIRST TIME on

READ A SECOND TIME on

READ A THIRD TIME on

DEPOSITED WITH THE MINISTER OF HEALTH on

ADOPTED on

Mayor _____

Corporate Officer _____