

TOWN OF QUALICUM BEACH

BYLAW NO. 730

A BYLAW FOR THE PURPOSES OF REGULATING WHERE PEOPLE MAY SMOKE

WHEREAS, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public places as per Section 8(3)(b) of the *Community Charter*;

WHEREAS, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, as per Section 8(3)(h) of the *Community Charter*;

WHEREAS, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public health and public spaces as per Section 8(3)(i) of the *Community Charter*;

AND WHEREAS, it has been determined that second-hand smoke is a health hazard and nuisance for persons in public spaces in the Town of Qualicum Beach;

AND WHEREAS, it is desirable for the care, promotion and protection of the health of people in parks to regulate smoking in parks

NOW, THEREFORE, the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

1. INTERPRETATION

“Burn” or “Burning” means the combustion or heating of a substance to produce smoke, vapour, aerosol or other substances that can be inhaled.

“Bus Stop” means a place on a bus route marked by a sign at which buses stop to pick up and drop off passengers.

“Bylaw Enforcement Officer” shall mean any person appointed from time to time by Town Council, including the RCMP, to enforce and administer this Bylaw.

“Cannabis” (Marihauna, Marijuana), means cannabis as defined in the *Cannabis Act* (Canada), or any regulations made pursuant to that Act, and includes any products containing cannabis.

“Designated Public Space” means public playing fields, public playgrounds and all public areas listed on Schedule A attached hereto, and forming part of, this bylaw.

“Outdoor Special Event” means a pre-planned community event including a temporary street closure, parade, or recreational and fundraising event.

“Public Building” means a building or structure on land owned by the Town, other than a building or structure used for a residential use, as designated in the Town’s zoning bylaw.

“Public Playgrounds” means lands held, occupied, zoned or regulated for use by the public as outdoor areas containing playground equipment.

“Public Playing Fields” means lands held, occupied, zoned or regulated for use by the public as outdoor areas for sporting activities.

“Public Square” means land acquired, reserved or dedicated as a public square in accordance with the *Local Government Act* or *Community Charter*;

“School Property” means School Property as defined in the *Tobacco and Vapour Products Control Act*.

“Smoke” or “Smoking” means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment, including vaporizers, that burn or vaporize tobacco, plant or other cannabis substances.

“Transit Shelter” means a covered structure or facility located at a designated bus stop to provide protection from the elements for passengers waiting for a bus.

“Vaporizing Device” means an electronic device that vaporizes a solid, liquid or gas substance for inhalation;

“Waterfront” means all Town-owned foreshore parcels of land, including sand, rock and natural material from the visible high water mark down to any body of water within the Town of Qualicum Beach.

2. PROHIBITION

- (1) No person shall smoke tobacco, cannabis or any other plant substance, or use any vaporizing device:
 - (a) in any *Public Building*;
 - (b) within 7.5 metres of any doorway, window or air intake of a *Public Building*;
 - (c) on or within 7.5 metres of any outdoor patio of a *Public Building*;
 - (d) in or within 7.5 metres of any *Public Playground*;
 - (e) in or within 7.5 metres of any *Public Playing Field*;
 - (f) in or within 7.5 metres of an *Outdoor Special Event Area*;
 - (g) in or within 7.5 metres of any *Transit Shelter* or *Bus Stop Sign*;
 - (h) in or within any *School Yard*;
 - (i) in or within any *Public Square*;
 - (j) on or within 7.5 metres of all sidewalks and grassed areas on the *Waterfront*.

3. CANNABIS USE IN PUBLIC SPACES

No person shall smoke cannabis in any manner on publicly-owned land or facilities, including public rights-of-way.

4. EXEMPTIONS

Section 2 of this bylaw does not apply to the ceremonial use of tobacco in a traditional indigenous cultural activity.

5. VALIDITY

In the event that there is a conflict between the provisions of this bylaw and any other Federal or Provincial Act or Regulation, the Federal or Provincial provision shall apply.

6. ENFORCEMENT

(1) This Bylaw may be enforced by:

- (a) means of a ticket in the form prescribed for the purpose under the *Community Charter*, and fines of up to \$1,000 imposed for offences under the Town of Qualicum Beach Municipal Ticketing Information Bylaw No. 626, 2008;
- (b) proceedings brought under the *Offence Act*; or
- (c) any other proceedings authorized by law.

(2) On being convicted of an offence under this bylaw, a person is liable to pay a fine of up to \$10,000, the costs of prosecution, and compensation for any loss or damages resulting from the offence.

7. REPEAL

The "Town of Qualicum Beach Smoking Regulation Bylaw No. 681, 2012" is hereby repealed and replaced by this Bylaw.

8. CITATION

This Bylaw may be cited as "Town of Qualicum Beach Smoking Regulation Bylaw No. 730, 2019".

READ A FIRST TIME this 25th day of February, 2019

READ A SECOND TIME this 18th day of March, 2019

READ A THIRD TIME this 8th day of April, 2019

ADOPTED this 13th day of May, 2019

Brian Wiese, Mayor

Heather Svensen, Corporate Administrator

SCHEDULE A

**NO SMOKING
NO VAPING**



**The use of tobacco,
vaporizers, and cannabis
is prohibited.**