



District of Vanderhoof

Bylaw No. 1187, 2018

Smoking Regulations

WHEREAS it is desirable for the protection, promotion, and preservation of the health of inhabitants of the District of Vanderhoof to regulate and prohibit smoking in the District;

AND WHEREAS pursuant to the provisions of Section 8(3)(i) of the Community Charter the Council of the District of Vanderhoof has the authority to regulate, prohibit and impose requirements in relation to public health;

AND WHEREAS pursuant to the provisions of the Public Health Bylaws Regulation 42/2004, the District of Vanderhoof has deposited a copy of this Bylaw with the Minister of Health;

NOW THEREFORE, in open meeting assembled, Council of the District of Vanderhoof, **ENACTS AS FOLLOWS:**

1. Title

1.1. Citation

This bylaw may be cited as the District of Vanderhoof Smoke Bylaw No. 1187, 2018.

2. Definitions

In this bylaw;

“building” means a temporary or permanent structure designed, erected, or intended for the shelter, enclosure or occupancy of persons or property including animals, materials, chattels and/or equipment. Any tent, awning, bin, bunk, container, vessel, vehicle or trailer used for the purposes above shall be deemed a building

“business” means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit, whether in or from the premises of the District.

“customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard, or sidewalk, that is part of, connected to or associated with a licensed establishment or other business that serves food, beverages, or both food and beverages, to customers for consumption of or off-site.

“District” means within the municipal boundaries of District of Vanderhoof.

“operator” means any person who, as a proprietor, lessee, manager, employee, or otherwise, carries on the operating of a facility or business, and includes any person managing or supervising such facility or business.

“outdoor sport facility” means District owned outdoor facilities used for sports including but not limited to natural or synthetic turf sports fields, soccer fields, ball diamonds, track and field facilities, golf courses, tennis courts, skate parks, and includes all associated public viewing areas and bleachers.

“open space area” means all land dedicated, owned or controlled (including jointly controlled) or used by the District as a public park, sports field, playground or recreational area; within a Boulevard Trail; within a Trail; or held by the District as public open space.

“place of public assembly” means building or portion of such building used for gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement, including a shopping mall, but does not include a private residential dwelling.

“playground” means District owned playground equipment.

“premises” means a portion of a building in respect of which a person or business has exclusive possession.

“prominent location” means a place where the text of a sign or graphic symbol is clearly visible to a person in a customer service area, place of public assembly or hospital or health clinic.

“responsible person” means a person who owns, controls, manages, or supervises a business, building, premises, common area, customer service area, place of public assembly, and without limitation, includes an operator.

“smoke/smoking” means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other cannabis, weed and/or substance but does not include the ceremonial use of tobacco or other material in relation to a traditional aboriginal cultural activity.

“vape/vapourizing” means to inhale or exhale, or to otherwise release into the air, vapour produced by an electronic cigarette, electronic pipe, electronic hookah or other similar device that can be used to vapourize and deliver nicotine or other substances to the user of the device.

“vehicle for hire” means taxi cab, limousine or shuttle service.

3. Control and Regulations

3.1. Areas of Smoking and Vaping Prohibition

3.1.1. A person must not smoke or vapourize:

- a) In, or within six (6) metres of, an enclosed or partially enclosed shelter where person wait to board a vehicle for hire or public transit;
- b) Within six (6) metres of a sign post or sign designating a place where persons wait to board a vehicle for hire or board public transit;
- c) Within six (6) metres on the ground from a point directly below any point of any opening into any building including any door or window intake;
- d) In a customer service area;
- e) Within six (6) metres of the perimeter of a customer service area;
- f) On, or within twenty-five (25) metres of, any outdoor sport facility or playground;
- g) Within an open space area;
- h) In a place of public assembly;
- i) In a building, premises or facility that is owned or leased by the District, other than with written permission from the District; or
- j) A hospital or health clinic as per the Province of British Columbia’s Tobacco and Vapour Products Control Act.

3.1.2. A responsible person for any of the following:

- a) A customer service area;
- b) A place of public assembly; or
- c) A hospital or health clinic

Must not permit, suffer, or allow a person to smoke or vapourize while the person is:

- d) Within such customer service area, place of public assembly, or hospital or health clinic; or
- e) Within any area described in subsections 3.1.1 (a), 3.1.1 (b), 3.1.1 (c), or 3.1.1 (e), except to the extent that all or part of such area is not part of the parcel of land on which the customer service area, place of public assembly, or hospital or health clinic is situated and is not an area over which the responsible person has control.

4. Sign Requirements

- 4.1.1. A responsible person for a customer service area, place of public assembly, or hospital or health clinic must post and maintain a sign in strict accordance with sections # of this Bylaw indicating that smoking and vaping are prohibited within that customer service area, place of public assembly, or hospital or health clinic.
- 4.1.2. A responsible person who is required to post and maintain a sign pursuant to section 4.1 must ensure that the sign:
 - a) Is displayed and maintained in a prominent location within the customer service area, place of public assembly, or hospital or health clinic where the sign is required;
 - b) Carries the text “No Smoking or Vapourizing”, or “Smoke or Vape Free”, or both, in either capital or lower case letters or a combination of both.
 - c) Consists of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering must contrast with the background colour.
- 4.1.3. Despite section 4.1.2, the international symbol for “no smoking” may be used to indicate an area in which smoking is prohibited.

5. Violations and Penalties

- 5.1.1. Any operator, responsible person or person who:
 - a) Violates or who causes or allows any of the provisions of this Bylaw to be violated; or
 - b) Fails to comply with any of the provisions of this Bylaw; or
 - c) Neglects or refrains from doing anything required under the provisions of this Bylaw;

Is deemed to have committed an infraction of, or an offence against this Bylaw.
- 5.1.2. Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.
- 5.1.3. Pursuant to section 264 (1)(b) of the Community Charter, Bylaw Enforcement Officers and the Royal Canadian Mountain Police are designated to enforce this Bylaw.
- 5.1.4. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

6. Complaints

6.1.1. Any and all complaints shall be dealt with in a timely manner by the Bylaw Enforcement Officer.

6.1.2. Any and all complaints shall be formally submitted in writing to the District of Vanderhoof via the District of Vanderhoof Website complaint form.

READ A FIRST TIME THIS 13th DAY OF August 2018.

READ A SECOND TIME THIS 13th DAY OF August 2018.

READ A THIRD TIME THIS 24th DAY OF September 2018.

ADOPTED THIS 9th DAY OF October 2018.

Mayor Thiessen

Corporate Officer