



THE CORPORATION OF THE
CITY OF CRANBROOK

BYLAW NO.

3940

Clean Air Bylaw

WHEREAS the City of Cranbrook proposes a bylaw to prohibit smoking in public places in the City of Cranbrook; and

WHEREAS the City of Cranbrook considers it desirable to protect the health and safety of all citizens and visitors in the City by prohibiting smoking in specific public places; and

WHEREAS the City of Cranbrook has satisfied the preconditions to adopting this Bylaw set out in the Public Health Bylaws Regulation, B.C. Reg. 42/2004 as amended from time to time; and

NOW THEREFORE the Municipal Council of the City of Cranbrook in open meeting assembled, hereby enacts as follows:

1. TITLE

This bylaw may be cited, for all purposes, as "City of Cranbrook Clean Air Bylaw No. 3940, 2018".

2. DEFINITIONS AND INTERPRETATION

2.1 In this bylaw, unless the context requires otherwise:

City	means The Corporation of the City of Cranbrook.
Outdoor Special Event	means a community event including but not limited to a temporary street closure, farmers market, parade, fair and recreational and/or fundraising events.
Person	includes an individual, partnership, club or association, or incorporated body, and any of their legal representatives.
Public Building	means a Building or structure on land owned by the City
Public Municipal Open Space	means a Park or other outdoor public space which is owned, controlled or operated by the City for the use of the public.
Smoke or Smoking	means to inhale, exhale, burn or carry a lighted cigarette, electronic cigarette, cigar, pipe, hookah pipe or other lighted or heated smoking equipment that burns tobacco, Cannabis/marijuana or any other weed or substance.

- 2.2 Unless otherwise provided, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act* or *Interpretation Act* as the context and circumstances may require.

A reference to a statute in this bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this bylaw and a Provincial enactment, the stricter law prevails.

Words in the singular include the plural and words in the plural include the singular, and reference to a gender includes both genders and a corporation. Headings in this bylaw are for convenience only and must not be construed as defining or limiting the scope or intent.

3. CLEAN AIR AND SMOKING REGULATION

Prohibitions

3.1 No Person shall Smoke:

- (a) inside a Public Building - including within 7 meters of an entranceway to a Public Building;
- (b) in a Park – including within a 7 meter buffer zone surrounding the Park;
- (c) in a Public Municipal Open Space – including within a 7 meter buffer zone surrounding the Public Municipal Open Space;
- (d) in a City cemetery - including a 7 meter buffer zone surrounding the Cemetery;
- (e) in a transit shelter or a bus stop – including a 7 meter buffer zone surrounding the transit shelter or bus stop;
- (f) inside a motor vehicle or equipment owned or leased by the City;
- (g) during an Outdoor Special Event, unless exempted as per Section 3.2(b)
- (h) Cannabis in any public municipal right-of-way.

Exceptions to Prohibitions

3.2 This bylaw does not apply to:

- (a) a ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity;
- (b) a designated smoking area established for the purpose of an Outdoor Special Event with the area being determined by and with the agreement of both the City and the event organizer;

- (c) carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes

4. PENALTIES

4.1 Any Person who:

- (i) contravenes any provision of this Bylaw;
- (ii) suffers or permits any act to be done in contravention of this Bylaw; or
- (iii) neglects to do anything required to be done under this Bylaw,

commits an offence and each day that the contravention is continued shall constitute a separate offence.

4.2 A Person who is guilty of an offence under this Bylaw is liable:

- (i) to pay a fine of up to \$10,000 if proceedings are brought under the *Offence Act* and the costs of prosecution; and
- (ii) compensation for damage or loss sustained by the City or another Person resulting from the offence; or
- (iii) to pay a fine of up to \$1,000 if the Bylaw is enforced by means of a municipal ticket information system under Part 8, Division 3 of the *Community Charter*.

5. SEVERABILITY

- 5.1 If any portion of this bylaw is declared invalid and set aside by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw shall be valid.

6. REPEAL OF BYLAWS

The following bylaws are hereby repealed:

- 6.1 The City of Cranbrook "No Smoking Regulation Bylaw No. 3020, 1991" and all bylaws enacted in amendment thereto.

7. **ADOPTION**

Read a first time on this 1st day of October, 2018

Read a second on this 1st day of October, 2018

Read a third time on this 1st day of October, 2018

Adopted this 15th day of October, 2018.



Mayor



City Clerk