

**DISTRICT OF SQUAMISH
SMOKING REGULATION BYLAW NO.2042, 2008**

As amended by bylaw 2068, 2008 and 2516, 2017.

A bylaw to regulate smoking and the use of tobacco products in the District

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE DISTRICT OF SQUAMISH FOR CONVENIENCE ONLY. THE CORPORATION DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

WHEREAS under the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public places, nuisances and public health;

AND WHEREAS Council has been advised that the second hand tobacco smoke from the smoking of cigarettes, cigars and pipes is a health hazard, nuisance or discomfort for many inhabitants of the District of Squamish;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the District of Squamish to promote a healthy, clean-air environment;

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

1. Title

This bylaw may be cited for all purposes as “District of Squamish Smoking Regulation Bylaw No. 2042, 2008.”

2. Repeal

“District of Squamish Smoking Regulation Bylaw No. 969, 1987” and all amendments are hereby repealed.

3. Interpretation

3.1 In this Bylaw:

“**common area**” means any place in an apartment building, condominium, dormitory or other multiple residential dwelling or mobile home park that is generally available for the common use of occupants or visitors, including but not limited to a hallway, foyer, stairway, elevator, escalator, washroom, laundry room, meeting room and amenity area;

“**E-cigarette**” means the following: a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery powered heating element capable of vapourizing an e-substance for inhalation or release into the air; b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a); (amended by Bylaw 2516, 2017)

“**E-substance**” means a solid, liquid or gas: a) that on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and b) that is not a controlled substance within the meaning of the Controlled Drugs and Substance Act (Canada); (amended by Bylaw 2516, 2017)

“**fully or substantially enclosed**” refers to a building, structure, vehicle or any other place that has a roof or other covering, and more than 50 percent of the nominal wall space is enclosed by any material that does not permit air to flow easily through it;

“**liquor outlet**” means a commercial establishment which is licensed under the *Liquor Control and Licensing Act* and regulations including, without limitation, a bar, lounge, pub, neighbourhood pub, beer parlour and cabaret;

“**public municipal open space**” means a park, playing field, tennis court, playground, lawn bowling green, path, trail, beach, dock, marina or other outdoor public place which is owned, controlled or operated by the District for the use and pleasure of the public and which is shown on Schedule “A” attached to and forming part of this bylaw;

“public space” and “public place” means a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;

“restaurant” means a food service establishment as defined in the regulations enacted under the *Health Act* governing sanitation and operation of food services;

“smoke” or “smoking” means the lighting, inhaling, exhaling, or burning of tobacco or the holding of a lighted cigarette, cigar or other product produced from tobacco;

“vapourizing” includes vapes, vaping and means the vapourizing of an e-substance for inhalation or release into the air; (amended by Bylaw 2516, 2017)

“vapour product” means: a) an e-cigarette b) an e-substance c) a cartridge for or a component of an e-cigarette; (amended by Bylaw 2516, 2017)

“workplace” means any place in which a person performs services in return for compensation, and includes any places that are used in conjunction with the workplace such as a bathroom, meeting room or building or structure used for taking breaks.

3.2 Wherever the singular or masculine is used in this bylaw, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require.

3.3 If any section, subsection clause or other provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the decision does not affect the validity of the remaining portions of the bylaw.

4. Smoking Restrictions

4.1 Subject to subsection 4.2, a person must not smoke:

- (a) in any building, structure, vehicle or any other place that is fully or substantially enclosed and
 - (i) is a public place;
 - (ii) is a workplace; or
 - (iii) is a common area; or
- (b) within 7 metres from a doorway, window or air intake of a place described in paragraph (a); (amended by Bylaw 2516, 2017)
- (c) in, on or within 7 metres of the perimeter of a patio or deck used in conjunction with a restaurant, liquor outlet or other public place, whether or not the patio or deck is open or is partly or fully enclosed; (amended by Bylaw 2516, 2017)
- (d) within a transit shelter;
- (e) in or on or a public municipal open space; or
- (f) in a motor vehicle that is occupied by a person under the age of 16 years whether or not any window, sunroof, car-top, door or other feature of the vehicle is open.

4.2 Subsection 4.1 does not apply to:

- (a) a workplace that is a private dwelling, except during any period in which a person performs services for compensation;
- (b) a room or suite in a hotel, motel, lodge or bed and breakfast that is designated for smoking by the owner or manager;
- (c) persons, places or activities specifically exempted from a prohibition or restriction under the British Columbia *Tobacco and Vapour Products Control Act* or Regulation, unless this bylaw expressly prohibits smoking or vaping in relation to those persons, places or activities; (amended by Bylaw 2516, 2017)
- (d) that portion of a public municipal open space described in Schedule “B” attached to and forming part of this bylaw and identified by a sign or signs permitting smoking or vaping within the designated area; or (amended by Bylaw 2516, 2017)

- (e) gatherings for recognized cultural purposes, which includes; traditional, spiritual or ceremonial”. (amended by Bylaw 2516, 2017)
- 4.3 Subject to subsections 4.5 through 4.6, if a person contravenes subsection 4.1 in respect of:
- (a) a place described under subsection 4.1 (a)(i), (b) or (c), each owner, lessee and manager of that place is deemed to have contravened that subsection and is liable for the contravention;
 - (b) a workplace, the employer is deemed to have contravened that subsection and is liable for the contravention; and
 - (c) a common area, each owner, lessee or manager is deemed to have contravened that subsection and is liable for the contravention, except that in relation to a common area of a strata corporation, the strata corporation is deemed to have contravened that subsection and is liable for the contravention.
- 4.4 An owner, manager, lessee of, or an employer at, a public place is not liable under subsection 4.3, as applicable, in respect of any portion of the 7 metre area described in subsection 4.1 (b) or (c) over which the owner, manager, lessee or employer has no control, if a person not under his or her employment or control smokes or vapes within that portion. (amended by Bylaw 2516, 2017)
- 4.5 It is a defence to a charge under subsection 4.3 if the owner, manager, lessee, employer or strata corporation, as applicable, demonstrates that he or she exercised reasonable care and diligence to prevent the contravention.
- 4.6 Subsection 4.3 applies whether or not the the person who smoked, vaped or any other person, is charged with contravening subsection 4.1. (amended by Bylaw 2516, 2017)

5. Signs

- 5.1 Where smoking or vaping is prohibited by this bylaw, the owner, manager, lessee or strata corporation of the building, structure, vehicle or place, as applicable, shall post a sufficient number of signs in accordance with the requirements of this section so as to be clearly visible from all points to which the smoking or vaping prohibition applies. (amended by Bylaw 2516, 2017)
- 5.2 Signs required by section 5.1 shall comply with the following requirements, conditions and specifications:
- 5.1.1 within a building or other structure, a sign must be posted in close proximity to each entrance and such additional signs must be posted as may be necessary to ensure that a sign is clearly visible from all points in the building to which the smoking and vaping prohibition applies; (amended by Bylaw 2516, 2017)
 - 5.1.2 each sign required under this Section 5 shall carry the text “NO SMOKING”, NO VAPOUR PRODUCTS”, “NO SMOKING, NO VAPOUR PRODUCTS PERMITTED” or “NO SMOKING, NO VAPOUR PRODUCTS PERMITTED ON THESE PREMISES”, as may be appropriate in the circumstances; (amended by Bylaw 2516, 2017)
 - 5.1.3 the size of text on each sign shall be not less than the following heights based on the following maximum viewing distances in direct line of sight, whether or not letters are in upper or lower case:

letter height	maximum viewing distance
2.5 centimetres (1 inch)	3 metres (10 feet)
5.1 centimetres (2 inches)	6.1 metres (20 feet)
7.6 centimetres (3 inches)	12.2 metres (40 feet)
10.2 centimetres (4 inches)	48.8 metres (160 feet)
20.3 centimetres (8 inches)	73.1 metres (240 feet); and
 - 5.1.4 each sign shall consist of at least two contrasting colours, or, if text is to be applied to a surface or mounted on a clear panel, then the text must contrast with the colour of the background;
 - 5.3 Internationally recognized signage which prohibits smoking and vaping must be posted in addition to, but not in substitution for the sign requirements of this bylaw. (amended by Bylaw 2516, 2017)

5.4 No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this Bylaw.

6. Offences and Penalty

Any person who contravenes or violates any provision of this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not less than \$150 and not more than \$1,000 under Municipal Ticket Information (MTI) or not less than \$135 and not more than \$500 under a Bylaw Offence Notice (BON), and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.(amended by Bylaw 2516, 2017)

READ A FIRST, SECOND AND THIRD TIME this 15th day of July, 2008.

ADOPTED this 29th day of July, 2008.

Ian Sutherland, Mayor

Robin Arthurs
Director of Administrative Services

SCHEDULE “A”

(Public Municipal Open Spaces)

All Municipal Parking Lots or Parking Areas

Arrowhead Park 1625 Arrowhead Road
Bill's Place Park 40178 Bill's Place
Bracken Park/Brown Memorial Park 13-B Bracken Parkway
Boulevard Park 2385 The Boulevard
Braemar Park 2364 Argyle Crescent
Brennan Park, 1009 Centennial Wa (amended by Bylaw 2516, 2017)
Coho Park 40460 Park Crescent
Cottonwood Park 41660 Cottonwood Road
Eagle Run Park 1546 Eagle Run Drive
Eaglewind Park 1170 Bailey Street
Eagle Viewing Sites 40963 Government Road
Edgewater Park 1030-B Edgewater Drive
Fisherman's Park, Brennan Road 41481 Brennan Road
Glacier View Park 1054 Glacier View Drive
Jack's Trail Park 1038 Condor Road
John Hunter Park 38426 Hemlock Avenue
Jura Park 2546 Jura Crescent
Kingswood Park 41310-B Kingswood Road
McDonald Place Park 1647 McDonald Place
McNaughton Park 1880 Maple Drive
Merrill Park 2300-B Greenwood Way
Municipal Animal Control Dog Pound and Parking, 39903 Government Road
Municipal Operations/Public Works Yard, 39909 Government Road
Nexen Beach/ Squamish Oceanfront Trail, 27200 Galbraith Avenue
Northridge Park 13891 Clarke Drive
Pat Goode Park, 40422 Cheakamus Way
Porcupine Park 2588 Pentland Way
Parkland next to Bill's Place
Rose Park/Lily's Garden 38400 Loggers Lane
Site Block 19 Cleveland Avenue 37950 Cleveland Avenue
Smoke Bluff Park 1990 Smoke Bluff Road
Squamish Junction Park 38284 Cleveland Avenue
Squamish Skate Park/ Carson Place Park 38684 Buckley Avenue
Stan Clarke Park 37950 Second Avenue
Tiampo Park no address
Willow Park 1803 Willow Crescent
Quest University Bridge Skate Bowl 2605 The Boulevard (amended by Bylaw 2516, 2017)
Mount Garibaldi Cemetery 44500 Government Road
Squamish Adventure Centre 38551 Loggers Lane
Municipal Hall 37955/37957 Second Avenue
Public Safety Building, Tantalus Road
Emergency Services Building, 1000 Finch Drive

All Trails on Municipal Trails as identified on Appendix 1 to Schedule “A”, as attached and including, but not limited to:

Oceanfront Trail
Corridor Trail
Municipal Dykes and Trails
All trails on and leading to the Dykes through municipal or crown property

SCHEDULE “B”

(Exemptions)

Squamish Youth Centre between the hours of 4:00p.m. and 7:30a.m. 1135 Carson Place

Squamish Homeless Drop In Centre during open hours of operation 37930 Third Avenue

Deleted (amended by Bylaw 2516, 2017)

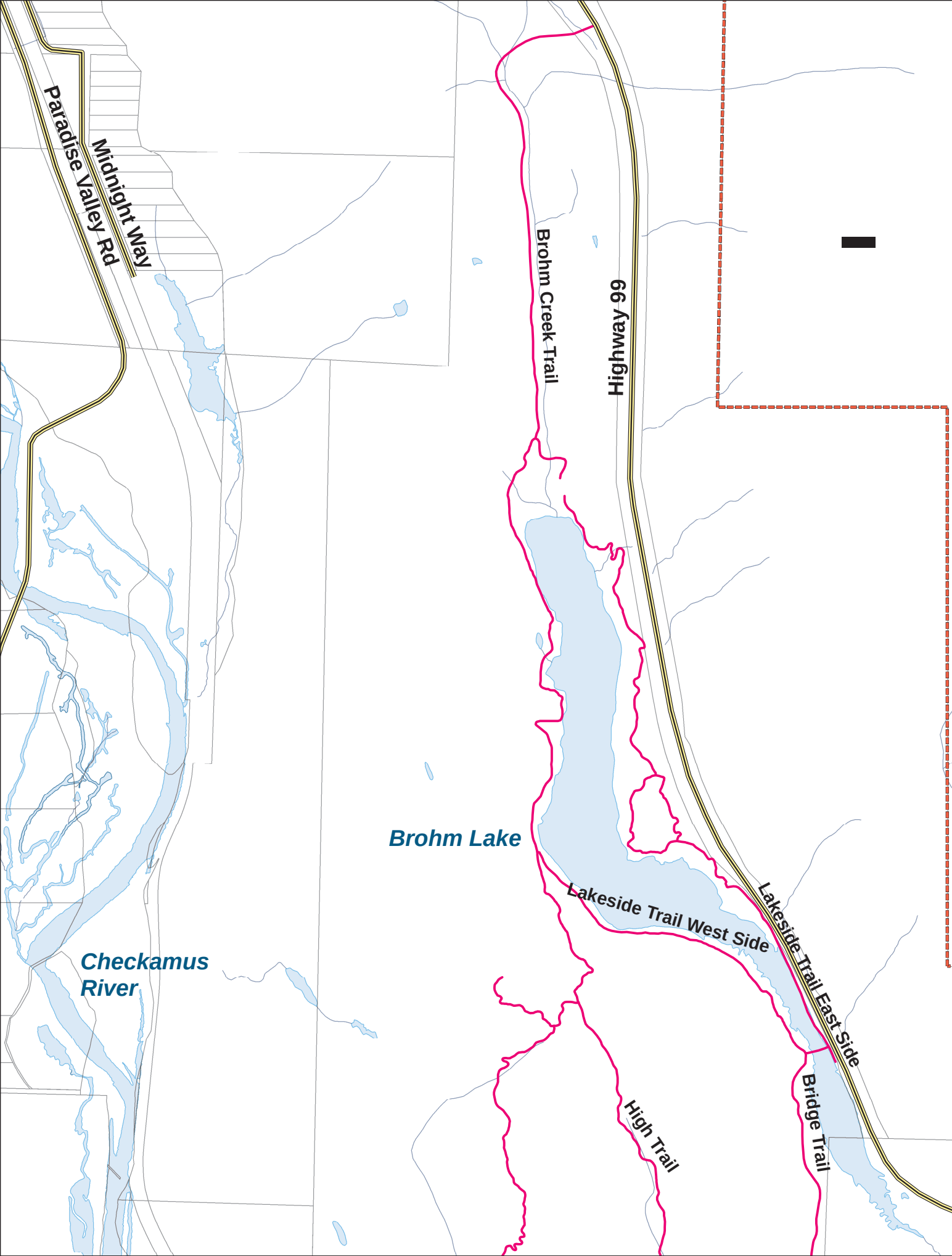
District of Squamish Municipal Campground, 39275 Loggers lane (amended by Bylaw 2516, 2017)

Appendix 1

Page 1 Deleted (amended by bylaw 2516, 2017)

TYPE	NAME	TR_ZONE_NU	TRAIL_ZONE	TRAIL_ID
MTB - Single Track	5 Pt. Hill - Southside	2	VallleyCliffe	203
	Alder Trail	9	Brohm - Cat Lakes	901
MTB Access	Alice Lake Park Road	8	Alice Lake	801
MTB Access	Bob McIntosh Memorial Trail	8	Alice Lake	803
MTB - Double Track	Brackendale Walking Park	7	Brackendale	722
MTB - Single Track	Bridge Trail	9	Brohm - Cat Lakes	903
MTB Access	Brohm Creek Hollow	9	Brohm - Cat Lakes	972
Hiking Trail	Brohm Creek Trail	9	Brohm - Cat Lakes	918
MTB - Single Track	Catnap	9	Brohm - Cat Lakes	906
MTB - Single Track	Cheakamus Loop	9	Brohm - Cat Lakes	908
MTB Access	Cheshire Cat	9	Brohm - Cat Lakes	909
Trials Motorbike	Co Crumpit	2	VallleyCliffe	206
Hiking Trail	Connector Trail	9	Brohm - Cat Lakes	981
MTB - Single Track	Cracked Humerous Link	7	Brackendale	702
MTB - Single Track	Cracked Patella	7	Brackendale	703
	Credit Line Trail	8	Alice Lake	808
MTB - Single Track	Crouching Squirrel - Hidden Monkey	8	Alice Lake	809
MTB Access	Debeck's Grind	8	Alice Lake	811
	Dryden Creek Trail	7	Brackendale	704
MTB - Double Track	Dump Express	7	Brackendale	705
MTB - Single Track	Follow Your Nose	7	Brackendale	706
SDBA	Forgotten Trail	4	Mt. Mulligan/Alpen	401
MTB - Single Track	Four Lakes - North	8	Alice Lake	815
MTB - Single Track	Four Lakes - South	8	Alice Lake	816
Hiking Trail	Four Lakes Trail Alice Lake	8	Alice Lake	841
Hiking Trail	Four Lakes Trail Alice Lake Connect	8	Alice Lake	842
MTB Access	Four Lakes Trail Road	8	Alice Lake	817
MTB Access	FSR Rough Road Brohm 1	9	Brohm - Cat Lakes	916
MTB - Single Track	Glosettes	2	VallleyCliffe	217
MTB - Single Track	High Trail	9	Brohm - Cat Lakes	912
MTB Access	Hydro Line Road	7	Brackendale	707
MTB - Single Track	Icy Hole of Death	8	Alice Lake	819
SDBA	Joel's RIP	2	VallleyCliffe	219
MTB - Single Track	Lacking Head	2	VallleyCliffe	222
Hiking Trail	Lakeside Trail East Side	9	Brohm - Cat Lakes	913
Hiking Trail	Lakeside Trail West Side	9	Brohm - Cat Lakes	913

MTB - Single Track	Larry's Link	7 Brackendale	710
MTB Access	Larry's Loop	7 Brackendale	711
	Live Wire	7 Brackendale	723
MTB Access	Mamquam FSR	4 Mt. Mulligan/Alpen	402
MTB - Single Track	Mid-Life Crisis	8 Alice Lake	824
MTB - Double Track	Mike's Loop	8 Alice Lake	825
MTB - Single Track	Mike's Loop Access	8 Alice Lake	826
MTB - Double Track	Of Mice and Men Hill	8 Alice Lake	829
MTB Access	OLD Highway	7 Brackendale	725
MTB - Single Track	Powerhouse Plunge	5 East Mashister	526
MTB - Single Track	Promenade Loop	9 Brohm - Cat Lakes	914
MTB - Double Track	Promenade Loop Branch 2	9 Brohm - Cat Lakes	923
MTB - Single Track	Promenade Loop Connector	9 Brohm - Cat Lakes	921
MTB Access	Ray Peters Trail	7 Brackendale	712
MTB Access	Ray Peters Trail Connector	7 Brackendale	724
MTB - Single Track	Reefer Rip	7 Brackendale	713
MTB - Single Track	Rigs in Zen	8 Alice Lake	831
MTB Access	Run Eddy Run	9 Brohm - Cat Lakes	969
MTB - Single Track	Rusty Bucket	7 Brackendale	715
MTB - Single Track	Rusty-Reefer Link	7 Brackendale	714
MTB Access	Squatter's Cabin	9 Brohm - Cat Lakes	971
MTB - Single Track	Sweet Judy	7 Brackendale	718
Hiking Trail	Tantalus View Trail	9 Brohm - Cat Lakes	919
MTB - Single Track	The Barber Chair	2 ValleyCliffe	243
MTB - Single Track	The End - Hole Connector	8 Alice Lake	836
MTB - Double Track	The Ring Creek Rip	5 East Mashister	536
	Tongue 'n' Groove	4 Mt. Mulligan/Alpen	403
MTB - Single Track	Two Cycle	7 Brackendale	719
MTB - Single Track	Two Fist	7 Brackendale	720
	Value Added	8 Alice Lake	838
	Wonderland Trail	7 Brackendale	721

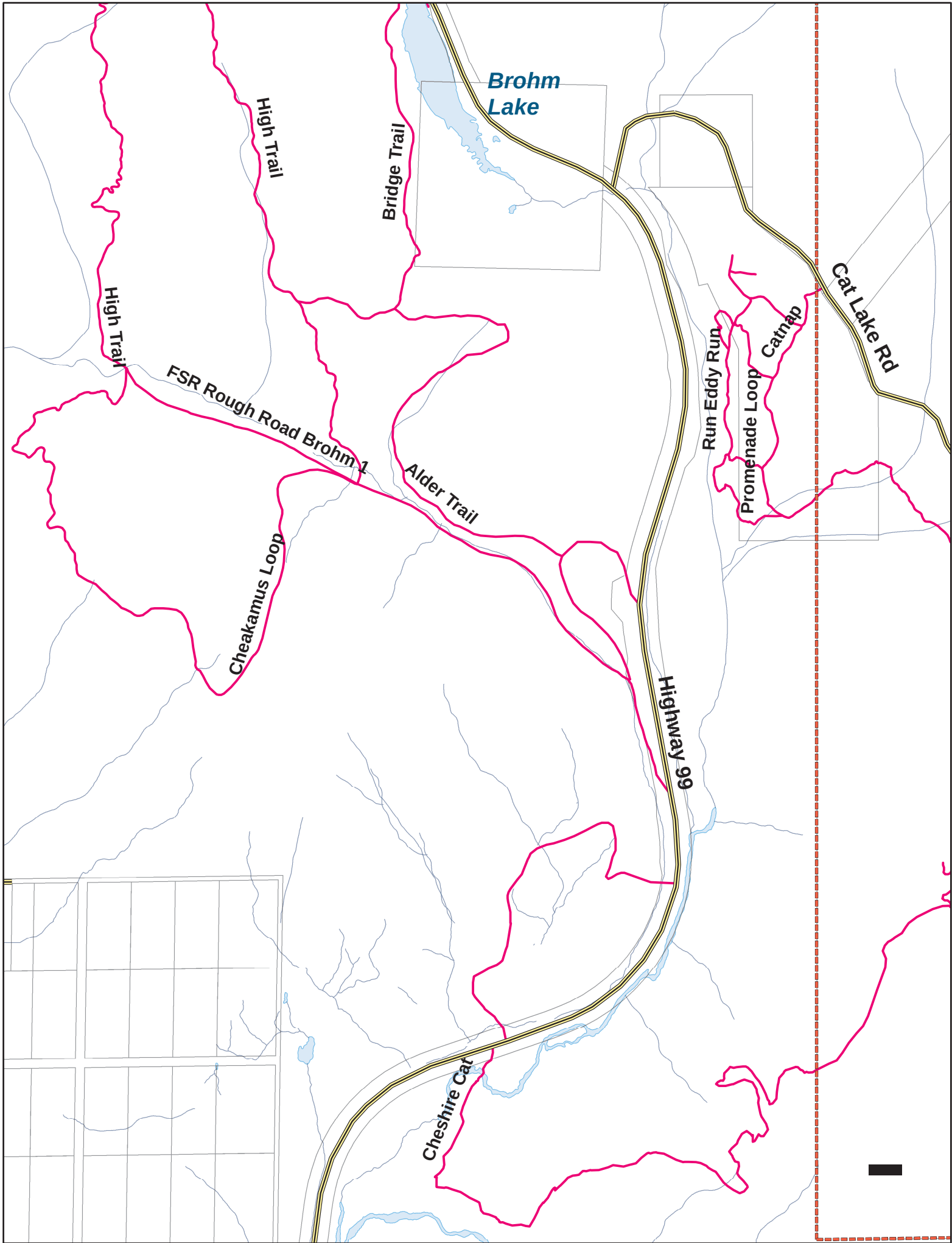


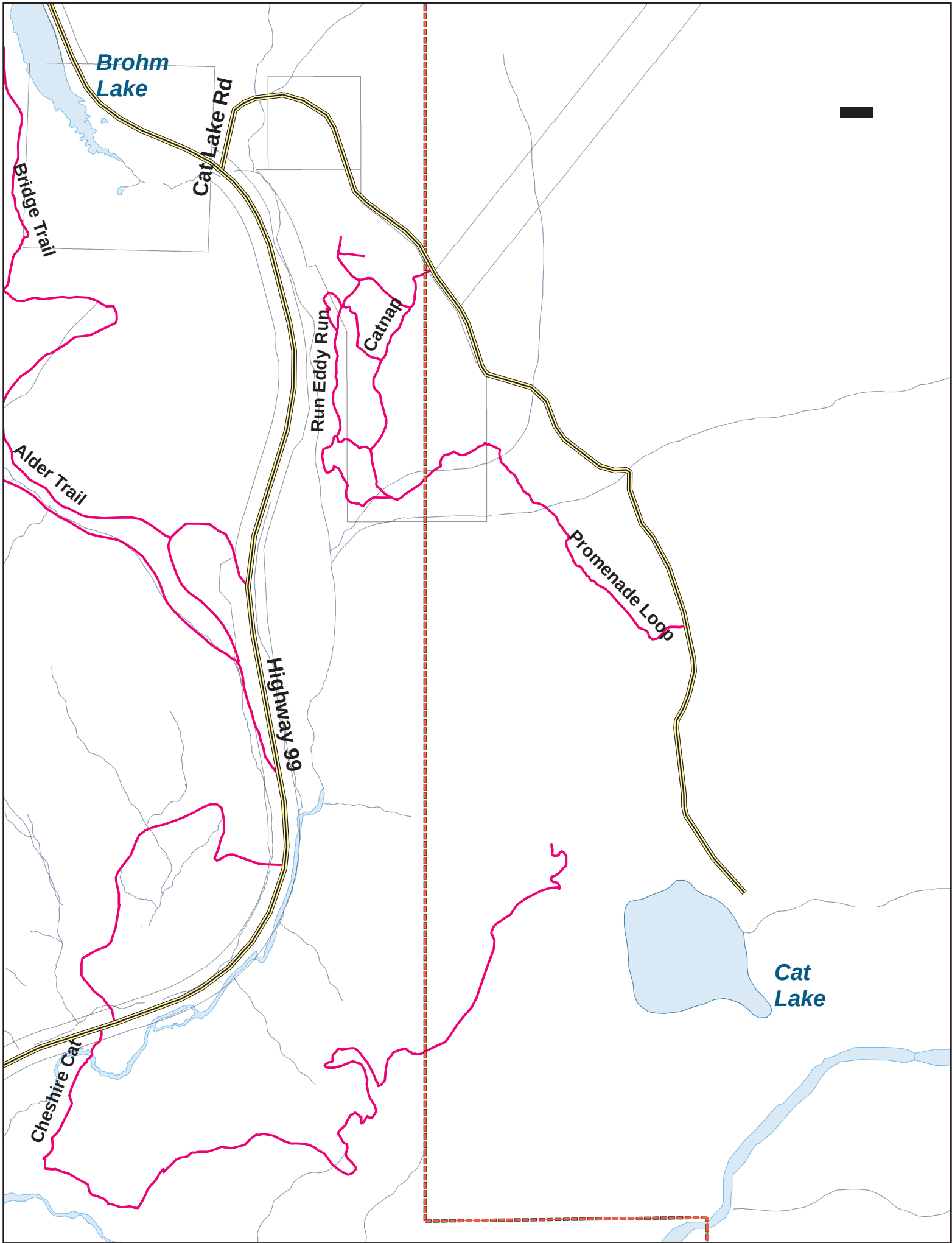
Trails on Crown and Municipal Lands

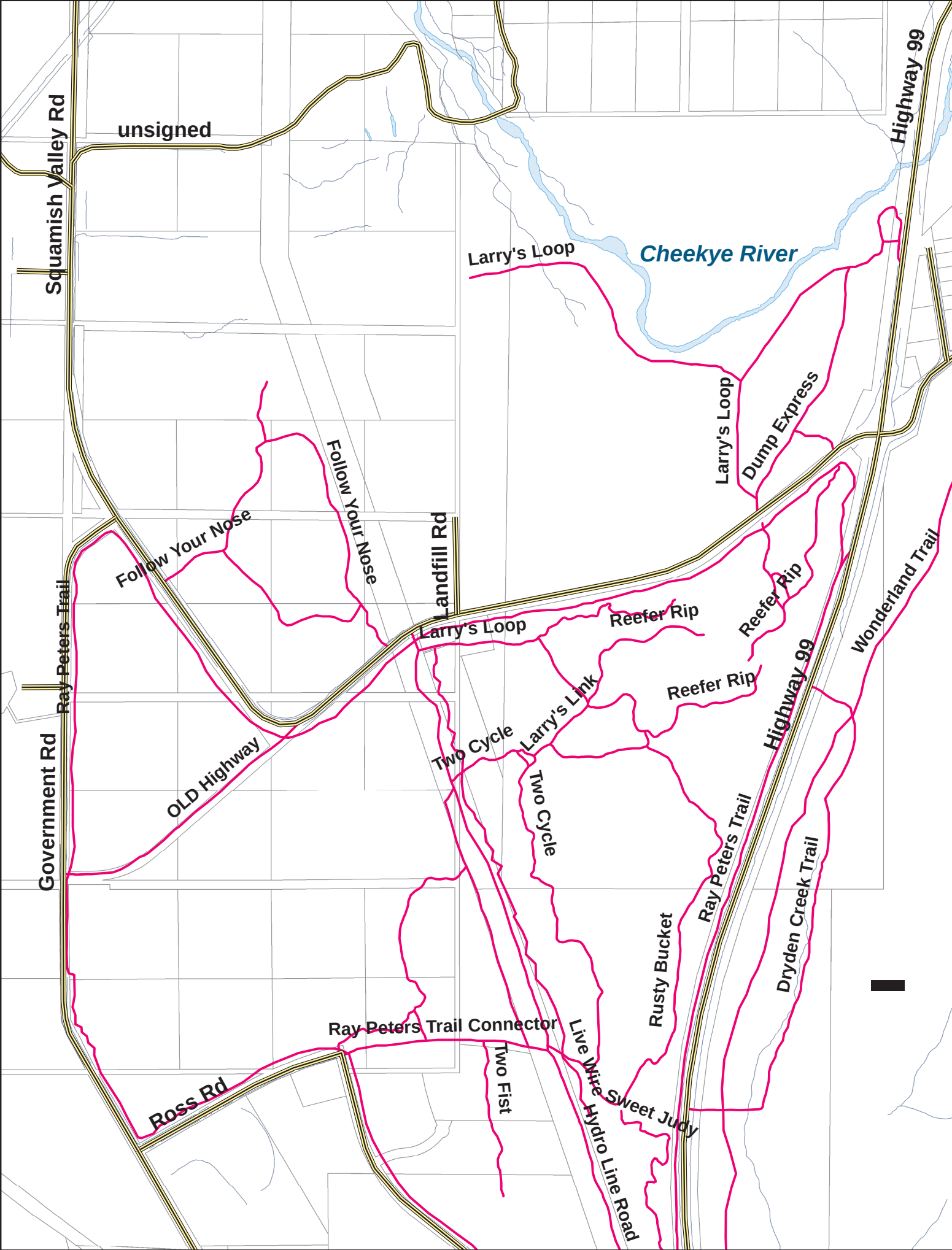
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July 8th, 2008

Legend

- Municipal Boundary
- Rivers/Creeks
- non smoking trails
- Ocean/Lakes/Rivers
- streets_fdm







Squamish Valley Rd

unsigned

Larry's Loop

Cheekye River

Highway 99

Larry's Loop

Dump Express

Follow Your Nose

Follow Your Nose

Landfill Rd

Larry's Loop

Reefer Rip

Reefer Rip

Wonderland Trail

Reefer Rip

Larry's Link

Two Cycle

Two Cycle

OLD Highway

Government Rd

Highway 99

Ray Peters Trail

Dryden Creek Trail

Rusty Bucket

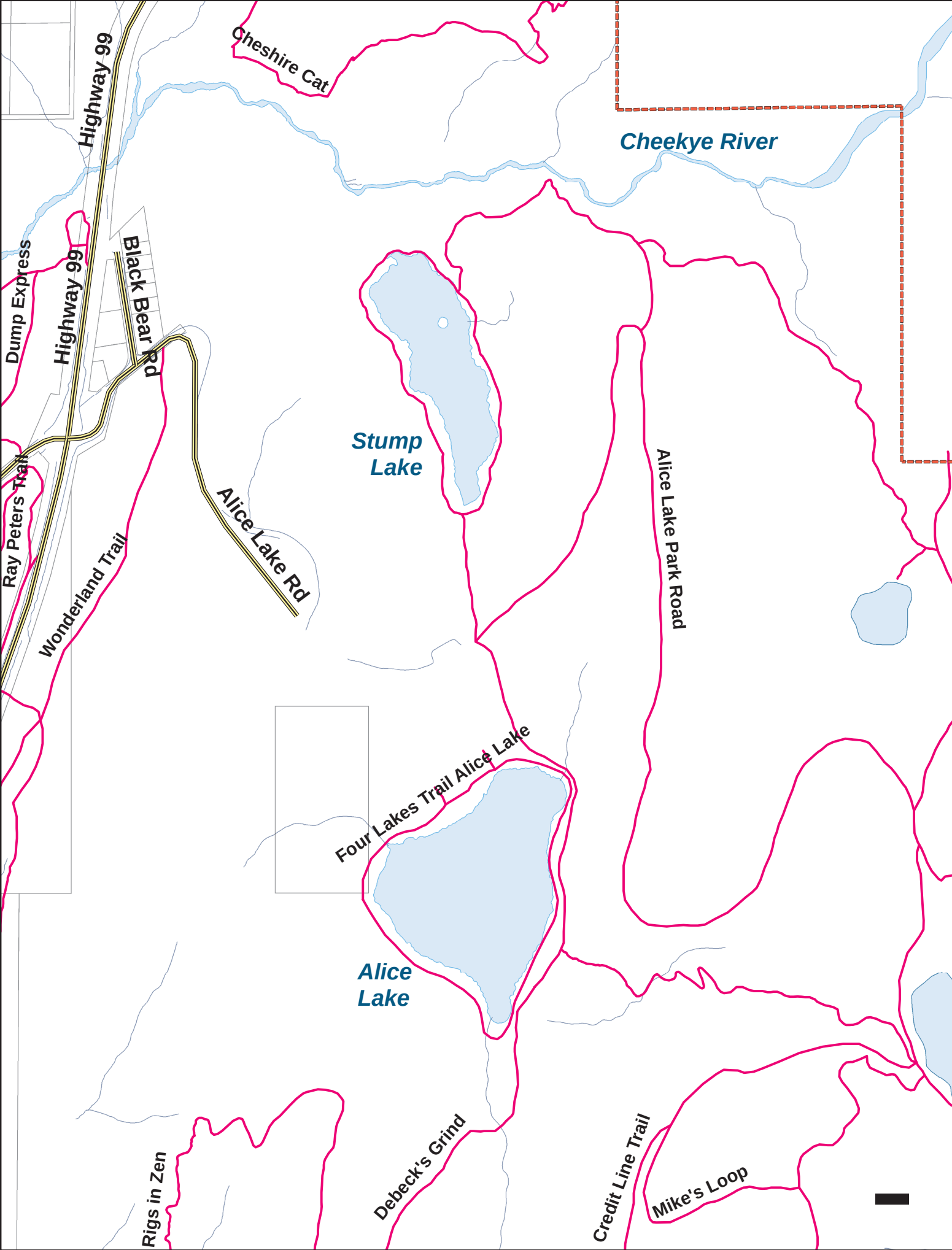
Live Wire

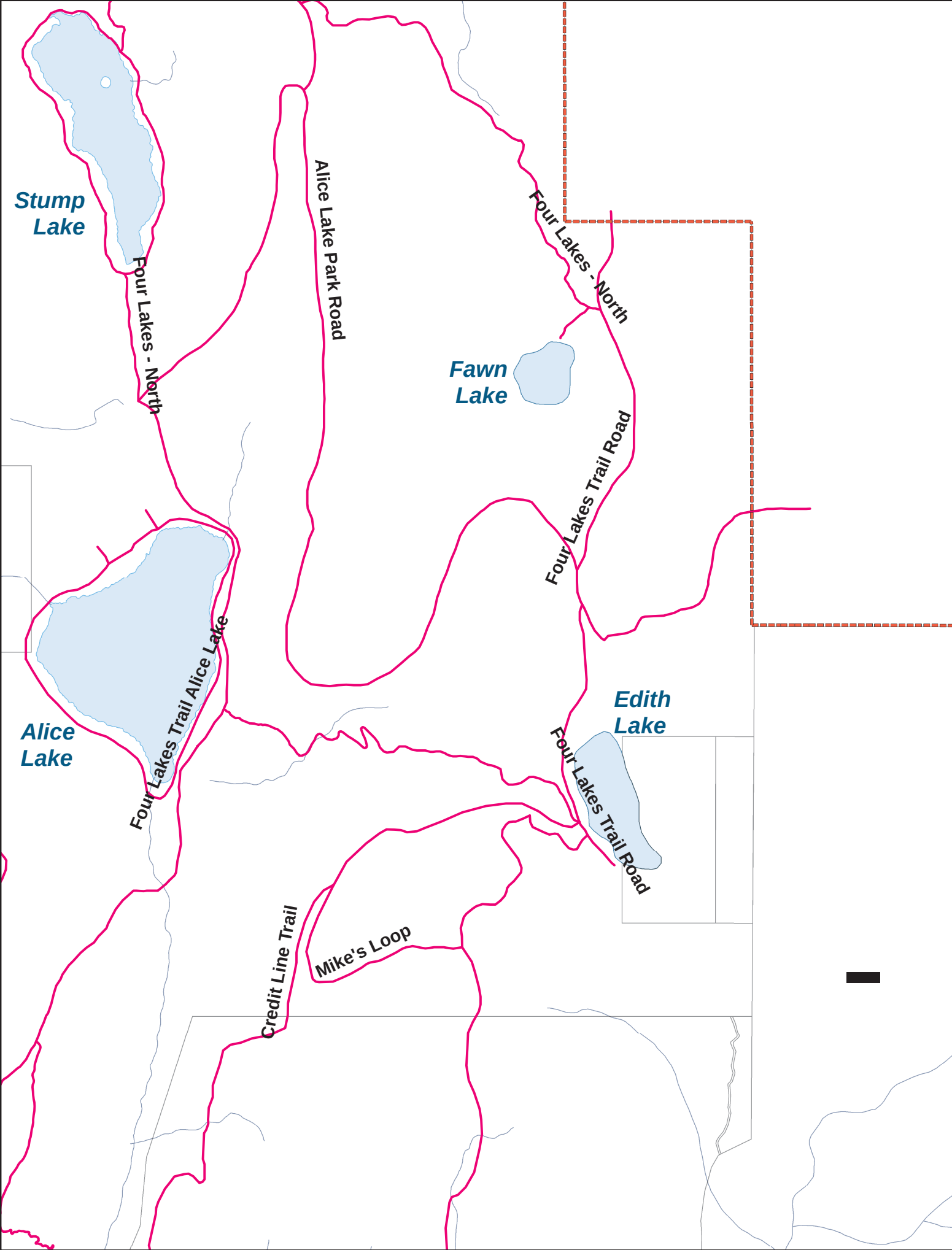
Sweet Judy

Two Fist

Ray Peters Trail Connector

Ross Rd





**Stump
Lake**

Four Lakes - North

Alice Lake Park Road

**Fawn
Lake**

Four Lakes - North

Four Lakes Trail Road

**Alice
Lake**

Four Lakes Trail Alice Lake

**Edith
Lake**

Four Lakes Trail Road

Credit Line Trail

Mike's Loop

