

CONSOLIDATED NOVEMBER 29, 1995
CONSOLIDATION FOR CONVENIENCE PURPOSES OF BYLAWS 2206, 2299, 2367, 2428



DISTRICT OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 2206

A BYLAW TO REGULATE THE CONTAMINATION OF THE ENVIRONMENT BY TOBACCO SMOKE.

WHEREAS the Council may, by Bylaw, under Section 692(1) of the Municipal Act regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health of the inhabitants of the Municipality;

AND WHEREAS a Bylaw adopted under Section 692(1) of the Municipal Act is not valid until approved by the Minister of Health;

THEREFORE the Council of the District of Campbell River, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "**Municipal Smoking Regulation Bylaw No. 2206, 1994**".

2. **Definitions:** In this Bylaw:

"business" means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes an activity carried on by a government, government agency, Crown corporation, educational institution, Municipality, Regional District, or charitable organization;

"designated smoking area" means one or more areas in
(1) public premises,
(2) a workplace, or
(3) an educational institution designated under Section 4;

"designated smoking" means one or more areas in

"area"
(1) public premises,
(2) a workplace, or
(3) an educational institution designated under Section 4;

"designated smoking area sign" means a designated smoking area sign prescribed by this Bylaw;

"educational institution" means a school as defined by the School Act, a university as defined by the University Act, and a college or institution designated under the College and Institute Act;

"hospital" includes a hospital or private hospital as defined in the Hospital Act, a community care facility as defined in the Community Care Facility Act, and a health clinic;

"licensed premises" means premises licensed under the Liquor Control and Licensing Act;

"no-smoking sign" means a no-smoking sign prescribed by this Bylaw;

"personal service" means an establishment which provides a service for, to,

- “establishment”** or on the body of another person, and includes, without limiting the generality of the foregoing, a barber shop, beauty parlour, hairdresser, tanning salon, health spa, gymnasium, message parlour, tattoo shop, sauna, steam bath;
- “place of public”**
“assembly” means public premises where members of the public assemble for the purpose of worship, entertainment, recreation, business or amusement and includes, without limiting the generality of the foregoing, theatres, convention centres (except separate smoking lounges not used for general purposes), arenas, recreation centres, video arcades, pool and billiard halls, dance halls, churches, church halls, concert halls, auditoriums, swimming pools, movie houses, lecture halls, libraries, museums and art galleries.
- “private social function”** means:
- (1) a special social event for which an entire room or hall has been reserved where the room or hall is not ventilated to any part of the building which constitutes public premises; and
 - (2) limited to attendance by persons who have been specifically invited or designated by the sponsor; but does not include events held privately for the purpose of business, sales or education.
- “prominently”** means placed in such a position that the text of the sign or graphic symbol is clearly visible to a person:
- (1) in the public premises, workplace, educational institution; or
 - (2) for the purpose of Section 4(1)(c) entering a restaurant, licensed premises, bingo hall or bowling alley where the sign or graphic symbol is required by this Bylaw to be displayed;
- “public premises”** includes the whole or any part of a building, structure or passenger conveyance to which the public have access as of right or by invitation, express or implied, and includes, without limiting the generality of the foregoing, reception areas, elevators, escalators, stairwells, corridors and lobbies of theatres, hotels, office buildings and offices, places of public assembly, personal service establishments, restaurants, retail stores, shopping malls, (including food sales and consumption areas), hospital, financial institution, laundromats, bus shelters, and public washrooms;
- “restaurant”** means a food service establishment as defined in the Regulations governing the Sanitation and Operation of Food Premises under the Health Act;
- “workplace”** includes the whole or any part of a building structure, vehicle or passenger conveyance in which a business is carried on, but excludes
- (1) any part which constitutes public premises; and
 - (2) private residences.

3. Prohibition:

- (1) No person shall carry or have in his possession a burning cigarette or cigar or a pipe containing burning tobacco, or burn tobacco in any other manner in:
 - (a) public premises;

- (b) a workplace; or
- (c) an educational institution

unless that person is in a designated smoking area.

4. Designated Smoking Areas:

- (1) The owner or operator of a business, as a matter of policy must either designate the entire business premises as non-smoking by posting one or more "No Smoking" signs, or must designate one or more smoking areas in the business premises by prominently posting in those areas a designated smoking area sign in the following circumstances:
 - (a) in workplaces as long as the designated smoking area is:
 - (i) an enclosed room to which non-smoking employees do not require access or thoroughfare;
 - (ii) ventilated to the outside away from the workplace;
 - (iii) not within common areas, reception areas, washrooms, corridors, escalators, elevators and stairwells; and
 - (iv) replaced with an equivalent area for non-smoking employees, if the designated smoking area is a lunchroom, lounge, or rest area for employees.
 - (b) in extended care and long term facilities as long as the designated smoking area is:
 - (i) ventilated to the outside away from the rest of the facility;
 - (ii) replaced with an equivalent area for non-smoking residents, if the designated smoking area is a lunchroom, lounge or rest area.
 - (c) in restaurants including:
 - (i) those in or operated by or under the auspices of an educational institution;
 - (ii) those in or operated by or under the auspices of a personal service establishment, ie: a gymnasium or health spa; or
 - (iii) a shopping mall, food sales and consumption area, as long as the seating area is not required by the public for access or thoroughfare;
 - (iv) but not those in a school or defined by the School Act.
- (2) Signs designating an area for "Non-Smoking" or "Smoking" shall be required only on public premises.
- (3) Notwithstanding Section 4(1)(c), the owners or operators of restaurants must designate 60% of their seating for non-smoking.

5. Exceptions:

- (1) Class A licensed premises (Pub in a hotel or cocktail lounge); Class C licensed premises (Cabaret); Class D licensed premises (Neighbourhood Pub); Class E licensed premises (Stadiums); Class F licensed premises (Marine); Bingo Halls; Bowling Alleys; Pool and Billiard Halls.
- (2) A person in a taxi who carries or has in his possession a lighted cigarette or cigar, or a pipe containing burning tobacco, with the consent of the driver and all passengers in the taxi, does not contravene Section 3.

- (3) A person at a private social function who carries or has in his possession a lighted cigarette or cigar, or a pipe containing burning tobacco does not contravene Section 3.
- (4) The owner or operator of a business where a private social function is held is exempted from the operation of Section 4 for the duration of that function with respect to the area where the function takes place.

6. Signs:

- (1) A No-Smoking sign shall state:
 - (a) the phrase "NO SMOKING"; or
 - (b) a graphic symbol substantially in the form shown on Schedule "A" hereto which shall be a minimum of twelve (12) centimeters by twelve (12) centimeters (4 3/4" x 4 3/4").
- (2) A designated smoking area shall state:
 - (a) "SMOKING IN THIS AREA ONLY";
 - (b) "SMOKING PERMITTED"; or
 - (c) words or graphic symbols of similar meaning.

7. Severability:

If any section, sub-section, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, the section, sub-section, sentence, clause or phrase may be severed from the remaining portion of the Bylaw.

8. Enforcement

- (1) A Bylaw Enforcement Officer may enter onto any property subject to the regulations in this Bylaw at all reasonable hours in order to ascertain whether the provisions of this Bylaw are being observed, and no person shall obstruct the entry of the Bylaw Enforcement Officer onto any such property.
- (2) Whenever a violation of any of the provisions of this Bylaw occurs, then the Bylaw Enforcement Officer may give notice:
 - (a) to the proprietor or person who fails or neglects to perform any duty imposed upon that person by this Bylaw; or
 - (b) to the person who smokes in contravention of this Bylaw, requiring the person to cease doing such prohibited act.

9. Penalties:

Except as otherwise provided in this Bylaw, any person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of the Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry-out or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) and not less than the amount set out with respect to each section in Schedule 'B' attached to and forming part of this Bylaw. For each day that a violation is permitted to exist, it shall constitute a separate offence.

10. Effective Date:

This Bylaw shall come into force and take effect on the final adoption of this Bylaw.

11. This Bylaw repeals "**Municipal Smoking Bylaw No. 2085, 1992**".

Read a first time on the 5th day of April, 1994.

Read a second time on the 5th day of April, 1994.

Read a third time on the 2nd day of May, 1994.

Approved by the Minister of Health this 28th day of June, 1994.

Reconsidered, finally passed and adopted on the 18th day of July, 1994.

Original bylaw signed by:

James M. Lornie
MAYOR

W.T. Halstead
CLERK

THE CORPORATION OF THE DISTRICT OF CAMPBELL RIVER

BY-LAW NO. 2206

SCHEDULE "A"

The following graphic symbol is prescribed for the purpose of Section 6(1)(b):



Amendment to Municipal Smoking Regulation Amendment Bylaw No. 2428, 1995

SCHEDULE 'B'

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
• Smoking in public premises	3(1)(a)	50.00
• No posted signs	4(1)(a)-(c)	100.00
• No designation - 60% non-smoking seating	4(3)	100.00