

CITY OF PITT MEADOWS
SMOKING REGULATION BYLAW
Bylaw No. 2844, 2020

A bylaw to regulate smoking in public places

WHEREAS the Council of the City of Pitt Meadows is authorized to enact a bylaw pursuant to the Community Charter to regulate, prohibit and impose requirements in relation to public health, public places, and the protection and enhancement of the wellbeing of its community;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the City of Pitt Meadows to regulate and prohibit smoking in public places;

NOW THEREFORE the Council of the City of Pitt Meadows enacts the following:

PART I – INTERPRETATION

Citation/Title

1. This Bylaw may be cited as the "Smoking Regulation Bylaw No. 2844, 2020"

Definitions

2. In this bylaw:
 - a) "City" means the City of Pitt Meadows;
 - b) "Customer service area" means a partially enclosed or unenclosed area, including any balcony, patio, yard area, or sidewalk that is part of or connected to a business or use in a building or premises that includes the service of food or beverages to persons for consumption in that area;
 - c) "Operator" includes any person who owns, controls, manages, supervises, or operates a business or other use which occupies a building, structure, vehicle or place, and in respect of common areas, includes a strata corporation or cooperative association and also means a person who drives a vehicle for hire;
 - d) "Outdoor public event" means any public or private exhibition, market, festival, parade, fair, concert, show, carnival or athletic event held outdoors on public property;
 - e) "Outdoor public place" means any outdoor area that is open to the public or to which the public is customarily admitted or invited and is used for the assembly of persons, including for education, worship, entertainment, recreation, business or amusement;

- f) "Park" means any real property owned or occupied by the City for the purpose of pleasure, recreation or community use by the public, including, but not limited to dedicated parks, open space and conservation areas;
- g) "Place of public assembly" means a building or structure used for the assembly of persons for the purpose of education, worship, entertainment, recreation, business or amusement, but does not include a place where a private social function is being held and is 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;
- h) "Public building" means a building or structure on real property owned or occupied by a public body;
- i) "Regional" means Metro Vancouver;
- j) "Smoke" or "smoking" includes inhaling, exhaling, burning, holding or otherwise have control over a lighted or activated cigarette, cigar, pipe, e-cigarette, hookah pipe, vapour producing product or other smoking equipment or product that burns tobacco, cannabis, or other plant, substance or material;
- k) "Substantially enclosed structure" means a building, structure, vehicle or any other place having a roof or other covering where more than 50% of the wall space is enclosed by any material that does not permit air to flow easily through it and is 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; or is a prescribed place under the *Tobacco and Vapour Products Control Act* (BC), as amended;
- l) "Transit stop" means a sign posted location where public transit vehicles stop to pick up riders, and distances from a transit stop shall be measured from the sign that identifies the transit stop location;
- m) "Transit shelter" means a building or other structure located on City property or right-of-way and constructed near a transit stop

PART II – REGULATIONS

Prohibition and Exceptions

- 3. A person must not smoke:
 - a) in a building or substantially enclosed structure, except in:
 - i) a private dwelling unit including any balcony or patio accessible therefrom and immediately adjacent to, including a dwelling unit in which an owner or occupier also carries on a business with no other workers present, or
 - ii) a hotel or motel room or suite designated for smoking;

- b) in a workplace;
 - c) within 10 m of any transit shelter or transit stop;
 - d) on any City or regional trail, dike, or outdoor public place;
 - e) on or within 10 m of a City park, including playing fields, sports field/court, playground, school, child care facility, or outdoor public place;
 - f) within 7.5 m of an entrance to a public building, or an air intake vent or operable window for a public or workplace building;
 - g) in a place of public assembly;
 - h) in a customer service area;
 - i) on a City street during an outdoor public event; or
 - j) in or on a business premise to which members of the public are admitted generally or as members of an organization or club.
4. An operator of a business or place of public assembly will not permit a person to smoke within a building, substantially enclosed structure, vehicle, or business place occupied by the business or use.
5. This bylaw does not apply to:
- a) ceremonial use of tobacco in relation to an indigenous cultural activity; or
 - b) smoking by an actor as part of a stage or theatrical performance to which the public is invited.

Signs

6. The operator of any structure, vehicle, business, or place of public assembly where smoking is not permitted must post at least one sign, in accordance with the sign requirements displayed in Schedule A, in the following locations:
- a) at each doorway and air intake in a building, business, place of public assembly or substantially enclosed structure;
 - b) at the main entrance(s) to an outdoor public place; and
 - c) on the dashboard or passenger window of a vehicle.
7. A no smoking sign will state:
- a) the phrase “no smoking”; or
 - b) a graphic symbol, substantially in the form shown in Schedule A, of at least 6 cm in diameter.

Offence and Penalty

8. A person who contravenes a provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000.
9. Each violation of this Bylaw and day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

Schedules

10. The following Schedule is attached to, and forms part of, this Bylaw:
 - a) Schedule A – No Smoking Sign

Repeal

11. Tobacco Sales and Smoking in Public Places Regulation Bylaw No. 2358, 2008 and its amendments are hereby repealed.

READ a FIRST, SECOND, and THIRD time on June 16, 2020.

APPROVED BY FRASER HEALTH with the recommended changes on September 1, 2020.

RESCINDED THIRD Reading and then **READ** a THIRD time as amended on November 17, 2020.

ADOPTED on [DATE].

Bill Dingwall
Mayor

Kate Barchard
Corporate Officer

Schedule A – No Smoking Sign

