

TOBACCO SALES AND SMOKING IN PUBLIC PLACES REGULATION BYLAW

Bylaw No. 2358 and Amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
2358	April 1, 2008
2371	June 3, 2008

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

**TOBACCO SALES AND SMOKING IN PUBLIC
PLACES REGULATION BYLAW
BYLAW NO. 2358, 2008**

Consolidated Copy - Bylaw No. 2353 and amendments

A Bylaw for the regulation of tobacco sales and smoking in public places

WHEREAS it is pursuant to the provisions of the Community Charter, The Council can regulate smoking within the City of Pitt Meadows;

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

NOW THEREFORE, the Council of The City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. CITATION

1. This bylaw may be cited as the “**City of Pitt Meadows Tobacco Sales and Smoking in Public Places Regulation Bylaw**”.

2. DEFINITIONS

For the purpose of 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;

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

“**no-smoking sign**” means a no-smoking sign prescribed by this Bylaw;

“**prominently**” means placed in such a position that the text of the sign or graphic symbol is clearly visible to a person in a school yard or inside a building, structure or vehicle or passenger conveyance;

“**proprietor**” means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this Bylaw and includes the person actually in charge thereof;

THE CORPORATION OF THE CITY OF PITT MEADOWS

**TOBACCO SALES AND SMOKING IN PUBLIC
PLACES REGULATION BYLAW
BYLAW NO. 2358, 2008**

“**school yard**” means that portion of the lands of a school as defined in the School Act without buildings or structures.

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 another manner in any **school yard** or inside any part of a building, structure or vehicle or passenger conveyance, except in a private residence or a private vehicle.
- (2) No **proprietor** of a **business** shall permit a person to carry or have in his possession a burning cigarette or pipe containing burning tobacco, or to burn tobacco in any manner in, on, over or upon any part of the **business** building, structure or vehicle and any area of the **business** place where either or both food a beverages are served or consumed, or both served and consumed.
- (3) A person must not smoke tobacco, or hold lighted tobacco within a distance of 7.5 metres from a public and workplace doorway, and by an open window and air intake. **(2371, 2008)**
- (4) A person must not deal in, sell, offer for sale or distribute tobacco in any of the following places:
 - (a) land, or a building or structure, used primarily for the purposes of a hospital or other health care services;
 - (b) the campus of a public university or other public post-secondary institution;
 - (c) a building or structure that is owned or leased by a public body that is used primarily for athletic or recreation purposes;
 - (d) a building or structure that is owned or leased by the government or a Crown corporation or agency.
- (5) No **proprietor** of a **business** shall permit the display of tobacco products, or advertise or promote the use of tobacco, in any manner by which the tobacco products or the advertisement or promotion
 - (a) may reasonably be seen or accessed by a person who is under 19 years of age, or
 - (b) are clearly visible to a person outside the retail establishment.

4. EXEMPTIONS

- (1) **(2371, 2008)**
- (2) A person in care or resident who smokes tobacco, or holds lighted tobacco, in a room designated for tobacco use within a community care facility, assisted living residence or hospital.
- (3) A person who is registered as a guest under the Hotel Guest Registration Act, if the guest is smoking tobacco, or holding lighted tobacco, in the room or building in which the guest and the guest's party have been assigned exclusive accommodation.

(4) POSTING OF SIGNS

A person who carries on a **business** in the whole or a part of a building, structure or vehicle or passenger conveyance, except in a private residence or a private vehicle, shall **prominently** display and keep **prominently** displayed one or more **no-smoking signs** (Schedule "A").

(5) 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 three and one-half (3.5") inches by four and one-half (4.5") inches (9 cm X 1cm); and may include
 - (c) the words "City of Pitt Meadows Tobacco Sales and Smoking in Public Places Regulation Bylaw No. 2358, 2008".

(6) ENFORCEMENT AND PENALTY

Any person who contravenes or violates any of the provisions of this Bylaw or any permit issued pursuant her to or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any permit issued pursuant hereto, commits an offence and, upon conviction, shall be liable to a fine not less than fifty (50) dollars and not more than the maximum fine provided by the Offence Act and, where the offence is continuing one, each day that the offence is continued shall constitute a separate offence.

**TOBACCO SALES AND SMOKING IN PUBLIC
PLACES REGULATION BYLAW
BYLAW NO. 2358, 2008**

(7) SEVERABILITY

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.

(8) REPEAL

The "Indoor Smoking Regulation Bylaw No. 1511, 1993" and amendments thereto is hereby repealed in its entirety.

(9) SCHEDULES

A. No-Smoking Sign

Schedule "A"

