

## DISTRICT OF LAKE COUNTRY

### BYLAW 954

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#### A BYLAW TO REGULATE AND PROHIBIT SMOKING IN THE DISTRICT OF LAKE COUNTRY

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

#### 1. DEFINITIONS

1.1. In this bylaw, unless the context otherwise requires:

**"Building"** means a structure fully or substantially enclosed with walls and/or roofs, and used for the shelter or accommodation of **Persons**, animals, chattels or things or any combination thereof.

**"Bylaw Enforcement Officer"** means an officer, employee or agent of the **District** of Lake Country, authorized by **Council** to administer this bylaw, including the lawful deputy of that **Person** and a **Person** who is appointed to fill the position on an "Acting" basis in the absence of the **Person** who holds the position.

**"Common Area"** includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public common areas of a **Building**.

**"Council"** means the municipal **Council** of the **District** of Lake Country.

**"District"** means the organization of the **District** of Lake Country.

**"Outdoor Customer Service Area"** means a part of private or public property located immediately outside of a restaurant, retail food service, neighbourhood public house or licensed lounge whether partially enclosed or unenclosed, including a balcony, patio, or yard that is connected to or associated with a **Place of Employment** or use in a **Building** or Premises that includes the service of food or beverages, which may include alcoholic drinks, to customers or other **Persons** for consumption on site.

**"Park"** means any real property owned or occupied by the **District** for the purpose of pleasure, recreation or community use by the public, including but not limited to **Parks**, playgrounds, public squares, pathways and other public places and all improvements, and shall include beaches and other public areas adjacent to lakes or streams but does not include any **District** land leased to a third party.

**"Person"** includes associations, partnerships, corporations, whether acting by himself or herself or by a servant, agent or employee.

**"Public Space"** means real property or portions thereof owned or operated by the **District** to which the public is ordinarily invited or permitted to be in or on and includes, but is not limited to, the grounds of public facilities or **Buildings**, any outdoor gathering place, **Parks**, playgrounds, sports fields, and the Municipal Hall and the area immediately surrounding it.

**"Responsible Person"** means a **Person** who owns, controls, manages, supervises or operates a **Building, Common Area, Outdoor Customer Service Area**, place of public assembly or a **Building** or facility owned or leased by the **District**, other than a dwelling unit.

**"Smoke" or "Smoking"** means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other **Smoking** equipment, that burns or vaporizes, tobacco, marijuana or any other substance.

**"Transit Stop"** means a sign-posted location where public transit vehicles or Vehicles for Hire stop to pick up riders, and distances from a **Transit Stop** shall be measured from the sign that identifies the **Transit Stop** location.

## 2. APPLICATION OF BYLAW

### 2.1. No **Person** shall **Smoke**:

- (a) in any **Public Space**;
- (b) at or within 7.5 metres of any **Transit Stop**;
- (c) in any **Park**;
- (d) in any **Common Area**;
- (e) within 7.5 metres of any **Outdoor Customer Service Area**;
- (f) within 7.5 metres measured on the ground from a point below any point of opening into any building including any doorway, open window or air intake.

## 3. EXCEPTION

- 3.1. Section 2 does not apply to the ceremonial use of tobacco in a traditional Aboriginal cultural ceremony.

## 4. DUTIES OF RESPONSIBLE PERSON

- 4.1. A Responsible **Person** must not permit, suffer or allow a **Person** to **Smoke** in any area described in section 2.1 except to the extent where the responsible **Person** does not have possession or control over the area.

## 5. SIGN REQUIREMENTS

- 5.1. In accordance with this Bylaw a Responsible **Person** must post and maintain a sign indicating that **Smoking** is prohibited within the area for which the Responsible **Person** has possession or control over.
- 5.2. Where **Smoking** is prohibited under Section 2 of this bylaw, a Sign shall be posted:
- (a) at each entrance and on each exterior wall of a **Building**;
  - (b) in a location that is clearly visible from each table or on each table for **Outdoor Customer Service Area**;
- 5.3. A **Person** who is required to post and maintain a sign under this Bylaw must ensure that each required sign:
- (a) is clearly visible;
  - (b) is not removed, altered, concealed, defaced or destroyed
  - (c) includes the text "**NO SMOKING**", "**SMOKING PROHIBITED**", "**SMOKE FREE ENVIRONMENT**", or "**SMOKING PROHIBITED WITHIN 7.5 METRES**", as applicable;



## 6. ENFORCEMENT

- 6.1. The **Bylaw Enforcement Officer** has the right to enter at all reasonable hours any land or **Building** to which this Bylaw applies in order to ascertain whether the provisions of this bylaw are being complied with.
- 6.2. The **Bylaw Enforcement Officer** shall be responsible for administration of this Bylaw
- 6.3. No **Person** shall interfere with, delay, obstruct or impede the **Bylaw Enforcement Officer**, designate or other **Person** lawfully authorized to enforce this Bylaw in the performance of duties.

## 7. OFFENCE AND PENALTY

- 7.1. Every person, upon conviction of a ticket offence under the Bylaw Notice Enforcement Bylaw or Municipal Ticket Information Bylaw is liable to the applicable fine and penalty imposed under that bylaw.
- 7.2. Any **Person** who violates a provision of this bylaw 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, commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) plus the cost of prosecution.
- 7.3. Each day that the violation continues to exist shall constitute a separate offence.

## 8. SEVERABILITY

- 8.1. If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

## 9. CITATION

- 9.1. This bylaw may be cited as "**Smoking Regulation Bylaw 954, 2016**".

**10. EFFECTIVE DATE**

10.1. This Bylaw comes into full force and effect six (6) months from the date of adoption.

READ A FIRST TIME this 17<sup>th</sup> day of May, 2016.

READ A SECOND TIME this 17<sup>th</sup> day of May, 2016.

READ A THIRD TIME this 7<sup>th</sup> day of June, 2016.

DEPOSITED WITH THE MINISTRY OF HEALTH this 9<sup>th</sup> day of June, 2016.

ADOPTED this 5<sup>th</sup> day of July, 2016.

Original signed by James Baker  
Mayor

Original signed by Reyna Seabrook  
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "Smoking Regulation Bylaw 954, 2016" as adopted by Council on the 5<sup>th</sup> day of July, 2016.

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Dated at Lake Country, BC

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Corporate Officer