



District of West Vancouver

## **Smoking Regulation Bylaw No. 4607, 2009**

Effective Date – July 27, 2009

# Smoking Regulation Bylaw No. 4607, 2009

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District of West Vancouver

# Smoking Regulation Bylaw No. 4607, 2009

A bylaw to regulate smoking in the District of West Vancouver under the  
*Community Charter*

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the protection, promotion and preservation of the health, safety and welfare of the inhabitants of the District of West Vancouver to regulate smoking in the District of West Vancouver, as in this bylaw more particularly set out;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

## Part 1 Citation

1.1 This bylaw may be cited as Smoking Regulation Bylaw No. 4607, 2009.

## Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

## Part 3 Previous Bylaw Repeal

3.1 Clean Indoor Air and Smoking Regulation Bylaw No. 4021, 1996. (adopted on January 6, 1997) and the following amendment bylaws are hereby repealed:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 4158	April 26, 1999

## **Part 4 Definitions**

4.1 In this bylaw:

“building” means a structure or portion of a building or structure which is used or intended for supporting or sheltering any use or occupancy and includes premises;

“business” means a business, trade, profession, or other occupation for which a person must obtain a license under Business Licence Bylaw No. 4455, 2005;

“common areas” include, but are not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

“customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with a business or use in a building or premises that includes the service of food or beverages, including alcoholic drinks, to customers or other persons for consumption on site;

“District” means the District of West Vancouver;

“dwelling unit” means a dwelling unit as defined in Zoning Bylaw No. 2200, 1968, as amended from time to time;

“enforcement officer” means the Medical Health Officer serving the District of West Vancouver, a delegate of the Medical Health Officer, a Bylaw Enforcement Officer, a member of the West Vancouver Police Department, a member of the West Vancouver Fire Department, and any other person designated by Council;

“premises” means a portion of a building in respect of which a person has exclusive possession;

“Public Transit” includes a school bus, a passenger bus, a ferry and a rapid transit vehicle;

“responsible person” means a person who owns, controls, manages, supervises, or operates:

- (a) a business or other use which occupies all or substantially all of a building,
- (b) a business or other use which occupies premises,
- (c) common areas which includes a strata corporation or cooperative association;
- (d) a customer service area, and
- (e) a person who drives a vehicle for hire.

“School Property” means property that is

- (a) owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act*, and
- (b) used for the purposes of delivering educational programs or other learning programs,

and includes real property and improvements.

“smoke” or “smoking” means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance;

“swimming beach” includes the sand, rocks and logs adjacent to those areas designated as swimming or bathing beaches by the District;

“vehicle for hire” means a vehicle for hire defined in the Vehicle For Hire (Taxi-Cab) Regulation Bylaw No.4381, 2004, as amended from time to time.

“Zoning Bylaw” means the District of West Vancouver Zoning Bylaw No. 2200, 1968, as amended from time to time.

## **Part 5 Ban on Smoking**

5.1 A person shall not smoke:

5.1.1 In a building, except in:

- (a) A dwelling unit defined under the Zoning Bylaw including a dwelling unit in which an owner or occupier also carries on a business.
- (b) A hotel or motel room or suite designated for smoking by a responsible person, or
- (c) Enclosed premises:
  - (i) That are not open to the public,
  - (ii) Where the only occupants are the owner or owners of the business carried on in the premises;

- 5.1.2 In a vehicle for hire;
- 5.1.3 On public transit including a school bus, passenger bus, ferry, or rapid transit;
- 5.1.4 In, or within six (6) metres of, an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit;
- 5.1.5 In a customer service area;
- 5.1.6 In common areas;
- 5.1.7 Within six (6) metres of the perimeter of a customer service area; or
- 5.1.8 Within six (6) metres measured on the ground from a point directly below any point of any opening into any building including any door or window that opens or any air intake;

#### Ban on Smoking in Parks or Municipal Facility Sites

- 5.2 A person shall not smoke:
  - 5.2.1 On any swimming beach or in a wading or swimming pool;
  - 5.2.2 within the areas of a municipal park, or playground where there are playing fields, picnic eating areas and picnic areas, food concessions or children's play equipment present, or organized fitness activities taking place;
  - 5.2.3 in any Municipal and/or Public building including daycares, recreation and community centres;
  - 5.2.4 on the grounds of any municipal recreational facility, including skate board parks; or
  - 5.2.5 Within six (6) metres of those places outlined in section 5.2.1, 5.2.2, 5.2.3 or 5.2.4.

## **Part 6 Required Signage and Duties of Responsible Person**

- 6.1 Except as permitted by Section 5.1, a responsible person must not suffer or allow a person to smoke in:
  - 6.1.1 A building or customer service area;

- 6.1.2 Premises or common areas;
  - 6.1.3 An area described in section 5.1.5 or 5.1.7 except to the extent that all or part of such area is not part of the parcel on which the building or customer service area is situated and is not an area over which such responsible person has possession or control;  
or
  - 6.1.4 In a vehicle for hire.
- 6.2 Where smoking is prohibited pursuant to sections 5.1 and 6.1 a responsible person must display, at all times, or ensure the display of, a sign:
- 6.2.1 At each entrance to a building or customer service area or to premises, or in a vehicle for hire. The sign must state  
  
"THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING"
  - 6.2.2 on each exterior wall of a building. The sign must state:  
  
"SMOKING IS PROHIBITED WITHIN SIX (6) METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE"
  - 6.2.3 on outdoor customer service areas, clearly visible from each table or placed on each table. The sign must state:  
  
"THIS OUTDOOR CUSTOMER SERVICE AREA IS A SMOKE FREE ENVIRONMENT – NO SMOKING"
  - 6.2.4 on the exterior wall, fence or other structure demarking an outdoor customer service area. The sign must state:  
  
"SMOKING IS PROHIBITED WITHIN SIX (6) METRES OF CUSTOMER SERVICE AREAS"
- 6.3 All signs referred to in section 6.2 must:
- 6.3.1 Include the text "Bylaw 4607" in letters not less than one-quarter of the height of all other letters on the sign;
  - 6.3.2 Display the international symbol to designate "No Smoking", or, in areas where smoking is permitted, the international symbol "Smoking Permitted", which symbol must occupy at least 25% of the size of the sign;
  - 6.3.3 Consist of at least two contrasting colours, except that if the lettering is on a clear panel then the lettering must contrast to the colour of the background;

- 6.3.4 Be at least 30 cm by 15 cm;
- 6.3.5 Be clearly visible; and
- 6.3.6 Except for the text specified in subsection 6.3.1, consist of lettering, whether upper case or lower case, that is not less than the following heights based upon the following maximum viewing distances in direct line of sight:

Viewing Distance	Letter Height
3 metres or less	1 centimetre
3 metres to 6 metres	2 centimetres
6 metres to 12 metres	4 centimetres

- 6.4 A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw.

## **Part 7 Power to Inspect**

- 7.1 An enforcement officer has the right of entry and may enter onto any land, into any vehicle, or into any building to which this bylaw applies, at all reasonable hours, in order to ascertain whether the provisions of this bylaw are being complied with.

## **Part 8 Obstruct/Interfere with Enforcement Officer**

- 8.1 No person may hinder, delay or obstruct in any manner, directly or indirectly, an Enforcement Officer carrying out duties in accordance with this Bylaw.

## **Part 9 Offence and Penalty**

- 9.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000.00.
- 9.2 Each day that a violation continues or exists under this Bylaw is a separate offence.

READ A FIRST TIME on July 6, 2009

READ A SECOND TIME on July 6, 2009

READ A THIRD TIME on July 6, 2009

APPROVED BY MINISTER OF HEALTH on July 27, 2009

ADOPTED by the Council on July 27, 2009.

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*P. Greenwith-Jones*  
Mayor

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*A. Scholes*  
Municipal Clerk