
WHEREAS, the *Community Charter, SBC 2003, Section 8*, authorizes the City to, by bylaw, regulate, prohibit or impose requirements in relation to public places and public health, with the approval of the Minister of Health;

AND WHEREAS, Council is concerned about adverse effects from the unregulated use of Smoking products in public places;

AND WHEREAS, Council considers that regulation of Smoking at the entrances to Public Buildings and on, or within, Outdoor Public Spaces, Parks and Youth Parks is desirable for the purpose of protecting the public from the harmful health effects of second-hand smoke and promoting a healthy, clean air environment for the community; and

NOW THEREFORE, the Council of the City of Abbotsford, in open meeting assembled, ENACTS AS FOLLOWS:

1. CITATION

Bylaw No. 2694-2017 may be cited as “Smoking Regulation Bylaw, 2017”.

2. INTERPRETATION

- (a) Schedule “A” contains definitions of terms used in this Bylaw.
- (b) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, SBC 2003, Local Government Act, RSBC 2015*, and *Interpretation Act, RSBC 1996*, or as the context and circumstances may require.
- (c) A reference to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation or bylaw refers to that enactment, as amended or replaced from time to time.
- (d) Words in the singular include the plural and gender specific terms include both genders and corporations.
- (e) Headings in this Bylaw are for convenience only and must not be construed as defining, or in any way limiting the scope or intent of this Bylaw.
- (f) If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

3. SMOKING REGULATION

No person shall Smoke:

- (a) inside a Public Building;
- (b) within seven (7) metres of an entrance to a Public Building or of any air intake vent or operable window for a Public Building; or
- (c) in or upon any Outdoor Public Space, Park or Youth Park.

4. EXEMPTIONS SPECIFIED

This Bylaw does not apply to:

- (a) a ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity;
or
- (b) smoking by actors as part of a stage or theatrical performance.

5. OFFENCES, PENALTIES AND ENFORCEMENT

Notwithstanding the offence and penalties as provided under the *Community Charter* or *Local Government Act*, the following will apply:

- (a) a violation of any of the provisions identified in this Bylaw will result in liability for penalties and late payment amounts established in the City's *Bylaw Notice Enforcement Bylaw, 2007*, and *Municipal Ticket Information Bylaw, 2007*;
- (b) a violation of any of the provisions identified in this Bylaw will be subject to the procedures, restrictions, limits, obligations and rights established in the City's *Bylaw Notice Enforcement Bylaw, 2007*, in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*;
- (c) a person who:
 - (i) contravenes, violates or fails to comply with any provision of this Bylaw;
 - (ii) suffers or allows any act or thing to be done in contravention or violation of this Bylaw; or
 - (iii) fails or neglects to do anything required to be done under this Bylaw,

is deemed to have committed an infraction of, or an offence against, this Bylaw; and is liable on summary conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00);

SCHEDULE "A"

DEFINITIONS

In this Bylaw:

"Bylaw Enforcement Officer" means any person appointed or designated under the City's *Bylaw Notice Enforcement Bylaw, 2007*, or the *Municipal Ticket Information Bylaw, 2007*, to enforce the provisions of this Bylaw.

"City" means the City of Abbotsford;

"Council" means the Council of the City.

"E-Cigarette" means the following:

- (a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air; or
- (b) a prescribed product or device similar in nature or use to a product or device described in Paragraph (a).

"E-Substance" means a solid, liquid, or gas; that:

- (a) on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and
- (b) is not a controlled substance within the meaning of the *Controlled Drugs and Substances Act, S.C. 1996*.

"Outdoor Public Space" means an outdoor children's playground, playing field, sports venue, stadium, or sports facility, located on land owned by the City, or School District #34, and open to the public from time to time for viewing, performing or participating in play, sports activities, competitions or other scheduled and unscheduled events.

"Public Building" means a building or structure on land owned by the City, other than a building or structure used for a residential use as designated in the City's *Zoning Bylaw, 2014*.

"Smoke or Smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe, hookah pipe, Vapour Product or other lighted Smoking equipment that burns tobacco or any other plant or substance.

SCHEDULE "A" (cont'd)

DEFINITIONS (cont'd)

"Vapour Product" means the following:

- (a) an E-Cigarette;
- (b) an E-Substance; or
- (c) a cartridge for, or a component of, an E-Cigarette.

"Park" has the same meaning as defined in the City's *Parks Bylaw, 2016*.

"Youth Park" has the same meaning as defined in the City's *Parks Bylaw, 2016*.