

DISTRICT OF ELKFORD

BYLAW NO. 814, 2018

A Bylaw for the purpose of regulating smoking within the District of Elkford

Municipal Council of the District of Elkford, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited as the “District of Elkford Smoking Regulation Bylaw No. 814, 2018”.

2. Definitions

In this Bylaw:

Building means any structure used or intended for supporting or sheltering any occupancy.

Bylaw Enforcement Officer means any member of the Royal Canadian Mounted Police, British Columbia Conservation Officer Service, a Bylaw Enforcement Officer, or any Person appointed by Council to enforce this Bylaw pursuant to s. 264 of the *Community Charter*.

Cannabis means cannabis as defined in the *Cannabis Control and Licensing Act*.

Community Facility means a building, lands, or recreational facility including, but not limited to, recreation centres, arenas, picnic shelters, cemeteries, or other facilities located in a Park or on any other land which the District owns or controls by means of a lease, licence, or other legal instrument that is intended for athletic, social, cultural or recreational use by members or visitors to the community.

Council means the Mayor and Council of the District of Elkford.

District means the District of Elkford.

Entranceway includes doorways, anterooms, porticos, verandahs, stairways, air intake systems and windows.

Park means any real property or property subject to a right of occupation by the District for the purpose of pleasure, recreation, or community uses of the public, including parks, playgrounds, sport courts, natural and landscaped areas, sports fields, trails, walkways, and other public places and improvements.

Private Property means property owned by non-governmental legal entities.

Public Building means a Building or structure on land owned by the District.

Public Municipal Open Space means a Park or other outdoor public space which is owned, controlled, or operated by the District for the use of the public.

Smoke or **Smoking** means to inhale, exhale, burn, or carry a lighted cigarette, electronic cigarette, cigar, pipe, hookah, vape, or other lighted Smoking equipment that burns tobacco, cannabis or any other weed or substance.

3. Smoking Prohibitions

3.1 Prohibitions

All Smoking is prohibited:

- (a) inside a Public Building, including within six (6) metres of an Entranceway to a Public Building;
- (b) inside indoor Community Facilities, including but not limited to, recreation centres, arenas or other facilities located in a Park or on any other land which the District owns or controls by means of a lease, licence, or other legal instrument that is intended for athletic, social, cultural or recreational use by members or visitors to the community, including within six (6) metres of an Entranceway to an indoor Community Facility;
- (c) inside a motor vehicle or equipment owned or leased by the District.
- (d) in any Building, structure, vehicle, or any other place that is fully or substantially enclosed and
 - i) 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;
 - ii) is a workplace, except in designated smoking areas;
 - iii) is a Transit Shelter or Bus Stop; or
 - iv) is a school property as prescribed under the *Tobacco and Vapour Products Control Act* and the *Cannabis Control and Licensing Act*;
 - v) is a health board property as prescribed under the *Tobacco and Vapour Products Control Act* and the *Cannabis Control and Licensing Act*;
 - vi) is any other entity or property that may be prescribed under the *Tobacco and Vapour Products Control Act* and the *Cannabis Control and Licensing Act*.

3.2 Exceptions to Smoking Prohibitions

This Bylaw does not apply to a ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity.

4. Smoking Cannabis Prohibitions

Smoking Cannabis is prohibited in any place within the District other than on Private Property.

5. Signs

5.1 No Smoking Signs

A no-smoking sign shall state

- (a) the phrase “no smoking”, or

- (b) the following graphic symbol, which shall be a minimum of six (6) centimetres in diameter and may include the words “District of Elkford Smoking Regulation Bylaw No. 814, 2018”.



5.2 No person shall remove, alter, conceal, deface, write upon, or destroy any sign posted pursuant to this Bylaw.

5.3 The District shall display a sign in a conspicuous position at all times in the form established under section 3.1:

- (a) at the main entrance to a Public Building;
- (b) at the main entrance to an indoor Community Facility.

6. Offence and Penalties

6.1 A person who contravenes the provisions of this Bylaw commits an offence and, on summary conviction is liable to a fine of not exceeding \$2,000.00 and each day such offence continues or is permitted to continue will constitute a separate offence.

6.2 This Bylaw may be enforced under the District of Elkford Municipal Ticket Information Bylaw as amended from time to time.

6.3 A Bylaw Enforcement Officer is authorized to enforce this Bylaw and to enter, at all times, on any day, upon any property within the District if the Bylaw Enforcement Officer has grounds to believe that the provisions of this Bylaw are not being complied with to ascertain whether there is compliance with the provisions of this Bylaw.

6.4 No person may obstruct a Bylaw Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

7. Severability

If any part of the Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

8. Repeal

The District of Elkford Smoking Regulation Bylaw No. 599, 1999 and all amendments are hereby repealed.

Read a first time this 27th day of August, 2018.

Read a second time this 27th day of August, 2018.

Read a third time this 24th day of September, 2018.

Deposited with the Minister of Health this 9th day of October, 2018.

Adopted this 9th day of October, 2018.

Dean McKerracher
Mayor

Curtis Helgesen
Chief Administrative Officer