



CORPORATION OF THE
DISTRICT OF TOFINO

**District of Tofino Smoking and Vaping Regulation Bylaw
No. 1249, 2018**

Effective Date – May 22, 2018

**DISTRICT OF TOFINO
BYLAW NO. 1249, 2018**

A Bylaw to Regulate Smoking and Vaping in District of Tofino Public Spaces

WHEREAS pursuant to the *Community Charter* and *Public Health Bylaws Regulation*, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to public health;

AND WHEREAS the District of Tofino has consulted with the medical health officer and it has been determined that second-hand smoke and vapour constitute a health hazard and nuisance for persons in public spaces in the District of Tofino;

AND WHEREAS the District of Tofino has deposited a copy of this Bylaw with the Minister of Health;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. Name

The name of this bylaw for citation purposes is “District of Tofino Smoking and Vaping Regulation Bylaw No. 1249, 2018.”

2. Definitions

“Bylaw Enforcement Officer” means any of the following:

Chief Administrative Officer of the District of Tofino
Bylaw Enforcement Officer of the District of Tofino
Fire Chief/Deputy Fire Chief of the District of Tofino
RCMP Officers
RCMP Auxiliary Officers
or their duly appointed designate

“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 that includes the service of food or drinks for consumption on site;

“designated public space” includes outdoor public places where individuals are required to queue for the receipt of any service and any deck, seating area, viewing area or other place used in association with a community recreation space;

“community recreation space” includes public skating rinks, sports fields, swimming pools, playgrounds, trails, beaches, and parks including bike and skate parks;

“outdoor workplace” means any outdoor place in which a person performs services in return for compensation, including but not limited to construction sites, as well as sites with flag persons;

“smoke” or “smoking” means to purposely inhale or exhale smoke from or burn or carry, a lighted cigarette, cigar, pipe, hookah pipe, or other lighted or electronic smoking paraphernalia that burns or vaporizes tobacco or cannabis or other weed or substance, but does not apply to the ceremonial use of tobacco in connection with a traditional indigenous cultural activities.

“transit stop” means bus stops and shelters, taxi stands including water taxi stops, or similar place marked for passenger loading or unloading.

3. Offenses:

- (1) No person shall smoke in, at, on or within 6 meters of any of the following:
 - (a) A transit stop;
 - (b) A customer service area;
 - (c) Any designated public space;
 - (d) Any community recreation space;
 - (e) Any outdoor workplace.

- (2) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his or her duties as prescribed in this bylaw. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this bylaw are carried out.

- (3) Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - (a) shall be liable to a fine set out in the “District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009” as amended from time to time; or
 - (b) shall be liable to a penalty set out in the “District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009” as amended from time to time; or
 - (c) shall be liable, upon summary conviction, to the penalties provided under the “Offence Act” and amendments thereto; or
 - (d) any combination of 3(3) (a), (b), and (c).

4. Administration and Enforcement

- (1) Bylaw Enforcement Officers of the District of Tofino are responsible for the enforcement and administration of this Bylaw.

- (2) The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Tofino or its employees to enforce its provisions and:
 - (a) A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
 - (b) The grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

5. Severability

If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw

6. Repeal

"District of Tofino Smoking Regulation Bylaw No. 1113, 2010" is hereby repealed.

READ A FIRST TIME on May 5, 2018

READ A SECOND TIME on May 5, 2018

READ A THIRD TIME on May 5, 2018

DEPOSITED WITH THE MINISTER OF HEALTH on May 23, 2018

ADOPTED on May 22, 2018

Mayor

Corporate Officer