

City of Castlegar

BYLAW 1239

A bylaw to regulate smoking in the City of Castlegar

WHEREAS under the provisions of Section 8 (Fundamental Powers) (3)(i) of the Community Charter, Council may regulate persons in respect to public health matters.

AND WHEREAS Council considers it is expedient and desirable for the health, safety and welfare of the residents to prohibit smoking in parks and designated public places in the City of Castlegar.

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “City of Castlegar Smoking Bylaw No. 1239”.

Definitions

2. In this Bylaw:
  - a. “Bylaw Enforcement Officer” means a person or persons designated or appointed from time to time by Council to enforce this bylaw;
  - b. “City” means the City of Castlegar;
  - c. “Council” means the Council of the City of Castlegar;
  - d. “Public Municipal Open Space” means a park, playing field, tennis court, playground, walkway, path, trail or other outdoor public space which is owned, controlled or operated by the City for the use of pleasure of the public and which is shown on Schedule “A” attached to and forming a part of this bylaw.
  - e. “public place” means any place to which the public has access as of right or by invitation, express or implied, whether or not a fee is charged for entry, and includes Public Municipal Open Spaces. *(Bylaw 1278)*
  - f. "smoke tobacco" means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe, vaping device, e-cigarette, or other lighted or activated electronic smoking device that burns or vapourizes tobacco. *(Bylaw 1278)*

- g. "smoke cannabis" means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe, bong, vaping device, e-cigarette, or other lighted or activated electronic smoking device that burns or vapourizes cannabis or other weed or substance. **(Bylaw 1278)**

### Prohibitions

- 3 (1) No person shall smoke tobacco in an area posted as non-smoking in a Public Municipal Open Space listed in Schedule "A" attached to and forming part of this Bylaw.
- (2) No person shall smoke cannabis in or on any public place in the City. **(Bylaw 1278)**

### Exception

- 4. Section 3 does not apply to the ceremonial use of tobacco in a traditional Aboriginal cultural ceremony.

### Offence

- 5. Anyone who violates any section 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.
- 6. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this bylaw commits an offence and is liable on summary conviction to a fine of not less than Two Thousand Dollars (\$2000.00) or more than Ten Thousand Dollars (\$10,000.00). **(Bylaw 1278)**
- 7. The Bylaw Enforcement Officer and the RCMP are designated to enforce this bylaw pursuant to Part 8 of the Community Charter, SBC 2003, C.26.
- 8. If any part of this bylaw is held to be invalid by a court of competent jurisdiction the involved part is severed and the remaining parts of the bylaw continue to be valid.
- 9 This bylaw shall take effect upon the date of its adoption.

READ A FIRST TIME this 6<sup>th</sup> day of June, 2016.

READ A SECOND TIME this 6<sup>th</sup> day of June, 2016.

READ A THIRD TIME this 6<sup>th</sup> day of June, 2016.

DEPOSITED WITH THE MINISTER OF HEALTH this 7<sup>th</sup> day of June, 2016.

ADOPTED this 20<sup>th</sup> day of June, 2016.

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Lawrence D. Chernoff  
Mayor

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Tracey Butler  
Director of Corporate Services

List of Amending Bylaws:

1278            October 15, 2018

Schedule "A"  
Castlegar Parks

<b>Park</b>	<b>Address</b>
Millenium Park	110-5 <sup>th</sup> Street, 35-5 <sup>th</sup> Street 301 2 <sup>nd</sup> Avenue, 101 5 <sup>th</sup> Street, 220 5 <sup>th</sup> Street 402 8 <sup>th</sup> Street, 404 8 <sup>th</sup> Street
Zuckerberg Island	
Kinsmen Park	206 10 <sup>th</sup> Avenue
Lakeview Street Park	201 & 203 Lakeview Street
Zinio Park	801 843 9 <sup>th</sup> Avenue
Complex Ball/Soccer fields Tennis Courts	6 <sup>th</sup> Avenue
Tamerlane Park	1321 Forest Road
Branson Park	2404/ 2412 6 <sup>th</sup> Avenue
Kinnaird Park	2501 14 <sup>th</sup> Avenue /1251 26 <sup>th</sup> Street
9 <sup>th</sup> Avenue Park	2640 9 <sup>th</sup> Avenue
Dumont Park	2916 1 <sup>st</sup> Avenue
Cone Hill Park	3500 10 <sup>th</sup> Avenue
Twin Rivers Neighborhood Park Tot Lot	9 <sup>th</sup> Avenue
Blueberry Park	215 102 <sup>nd</sup> Street