

# CITY OF KIMBERLEY

## BYLAW NO. 2528

### A BYLAW TO REGULATE SMOKING IN THE CITY OF KIMBERLEY

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard and discomfort for many inhabitants of the City of Kimberley;

AND WHEREAS the *Community Charter*, SBC Chapter 26, 2003, authorizes the City, by bylaw, to designate bylaws that regulate, prohibit and impose requirements in relation to the health, safety or protection of persons and public health;

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

1. This bylaw may be cited as the "City of Kimberley Smoking Bylaw, Bylaw No. 2528, 2015."

#### **Definitions**

2. In this Bylaw:

- a) "Bylaw Enforcement Officer" means a person appointed by the City pursuant to the *Community Charter* to issue tickets under this Bylaw for the City of Kimberley;
- b) "City" means the City of Kimberley;
- c) "Council" means the Council of the City of Kimberley;
- d) "Outdoor Special Event" means a pre-planned community event including but not limited to a temporary street closure, parade and recreational and fundraising events;
- e) "Public Building" means a building or structure owned, leased by or from or otherwise occupied by the City;
- f) "Public Municipal Open Space" means a park, playing field, tennis court, playground, lawn bowling green, walkway, path, trail, street, sidewalk, cemetery or other outdoor space which is owned, controlled, or operated by the City for the use of the public and which is shown on Schedule A attached hereto and forming part of this bylaw.
- g) "RCMP" means a member of the Royal Canadian Mounted Police;
- h) "Smoke" or "Smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment, including vaporizers, that burn or vaporize tobacco or other weed or substances.

## Smoking Prohibition

3. No person shall smoke:
  - a) inside a Public Building;
  - b) within 7.5 meters of an entrance, air intake or window of a Public Building;
  - c) in or within 7.5 meters of a Public Municipal Open Space;
  - d) in or within 7.5 meters of an Outdoor Special Event area.

## 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 commits an offence contrary to the provisions of this bylaw is liable upon conviction to a penalty of not more than \$100.
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 invalid part is severed and the remaining parts of the bylaw continue to be valid.

Read a first time on the 23<sup>rd</sup> day of November, 2015.

Read a second time on the 14<sup>th</sup> day of December, 2015

Read a third time on the 11<sup>th</sup> day of January, 2016.

Adopted on the 25<sup>th</sup> day of January, 2016.



Mayor Don McCormick



Corporate Officer

## **SCHEDULE A**

### **Public Municipal Open Space where smoking is prohibited:**

The following areas have been designated by the Council of the City of Kimberley as "No Smoking Areas":

- Platzl
- Giegerich Field
- All playgrounds
- Lions Park
- Skateboard Park
- Outdoor skating rinks
- Rotary Park
- Big and Little Coronation Fields
- Purcell Fields
- Garden Park
- Kimberley and Marysville Cemeteries
- Community Park