

SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

BYLAW NO. 0121, 2018

To regulate smoking within public areas of the Municipality

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

NOW THEREFORE, the Council of Sun Peaks Mountain Resort Municipality, in open meeting assembled, enacts the following:

1. Citation

This Bylaw may be cited as the “Smoking and Vaping Regulation Bylaw No. 0121, 2018”.

2. Interpretation and Application

2.1 Unless specifically defined herein, words and phrases used in this Bylaw shall be construed in accordance with the meanings assigned to them in the *Community Charter*, as the context and circumstances require.

2.2 In this Bylaw:

Bylaw Enforcement Officer means any of the following:

- (a) Chief Administrative Officer
- (b) Bylaw Enforcement Officer
- (c) Fire Chief/Fire Chief Designate
- (d) RCMP Officers

Community Recreation Space means, and is not limited to, public skating rinks, sports fields, swimming pools, playgrounds, trails and parks;

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 means 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 recreational space, including the Village Core;

Designated Smoking Area means any area specifically designated as a smoking area;

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 and/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, cannabis or other substance, but does not apply to the ceremonial use of tobacco in connection with indigenous cultural activities;

Transit Stop means bus stops and shelters, taxi stands or similar places marked for passenger loading or unloading.

Village Core means all areas in the Commercial Core 1 (CC1) zone including but not limited to sidewalks, walkways, patios, decks, parking areas, access ways and roads.

2.3 Offenses

- (a) No person shall smoke in, at, on, or within six (6) metres of any of the following:
 - i. A Customer Service Area;
 - ii. Any Designated Public Space;
 - iii. Any Community Recreation Space;
 - iv. Any Transit Stop;
 - v. Any Outdoor Workplace; or
 - vi. The Village Core.
- (b) Smoking is prohibited in the Commercial Core 1 (CC1) zone except within Designated Smoking Areas as regulated in this bylaw.
- (c) Businesses that have been given the ability to have a Designated Smoking Area must keep the area free from smoking debris and garbage. This will be strictly enforced and any determination by the Bylaw Enforcement Officer that a contravention of this section as occurred may result in a fine as per the Bylaw Enforcement Notification Bylaw No. 0011 as amended from time to time.

2.4 Administration and Enforcement

- (a) Bylaw Enforcement Officers are responsible for the enforcement and administration of this Bylaw.
- (b) The intent of this Bylaw is to set standards of general public interest, and not impose a duty on the Municipality or its employees to enforce its provisions and:
 - i. 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
 - ii. 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.

2.5 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.

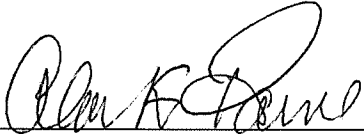
3. This bylaw shall take effect upon the date of its adoption.

READ A FIRST TIME this 21st day of August, 2018.

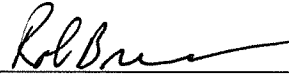
READ A SECOND TIME this 21st day of August, 2018.

READ A THIRD TIME this 21st day of August, 2018.

FINALLY ADOPTED by a majority of Council members this 4th day of September, 2018.

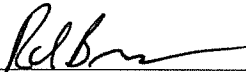


Al Raine
Mayor



Rob Bremner
Chief Administrative Officer

I HEREBY CERTIFY that this is
a true copy of the "Smoking and Vaping Regulations
Bylaw No. 0121, 2018



Rob Bremner
Chief Administrative Officer