THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW NO. 4390

A bylaw of the Corporation of the City of Dawson Creek (hereinafter called “the City”) to amend Smoking Regulation Bylaw No. 4240, 2014 previously amended by Bylaw 4300.

WHEREAS a Council may, by bylaw, regulate, prohibit and impose requirements in relation to public health and public places;

AND WHEREAS, it has been determined that second-hand cannabis smoke is a health hazard and nuisance for many inhabitants of and visitors to the City of Dawson Creek;

AND WHEREAS, the City of Dawson Creek has satisfied the preconditions to adopting this Bylaw set out in the Public Health Bylaws Regulation, B.C. Reg.42/2004;

NOW THEREFORE, the Council of the City enacts as follows:

SECTION 1 – ADMINISTRATIVE PROVISIONS

1.1 This Bylaw may be cited for all purposes as the “SMOKING REGULATION AMENDMENT BYLAW NO. 4390, 2018”.

SECTION 2 – BYLAW AMENDMENTS

2.1 City of Dawson Creek Smoking Regulation Bylaw No. 4240, 2014 (the “Smoking Bylaw”) is amended in Section 2 - Definitions by removing the terms and definitions for “Business”; “Fully or Substantially Enclosed Structure”; “Municipal Smoke Free Area”; “Public Entrance”; “Smoke or Smoking”; and adding the following terms and definitions in the appropriate alphabetical order:

“Business” means a business, trade, profession, or other occupation for which a person must obtain a licence under the City’s Business Bylaw, and includes a Bank, Food Services Establishment, Licenced Establishment, Personal Services Establishment, Retail Establishment, Billiard or Pool Hall, Taxicab or Public Bus;

“Municipal Smoke Free Area” means an area that is established for the purpose of outdoor recreation, including Rotary Lake, the Dawson Creek Trail, a playing field, a bleacher for spectators, a tennis court, a playground, or parks, and which is owned, controlled, or operated by the City for the use or pleasure of the public;

“Public Entrance” means an entryway to 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;

“Smoke” or “Smoking” means:
(a) to smoke, hold or otherwise have control over an ignited tobacco product or another ignited substance, including cannabis, that is intended to be smoked, or;
(b) to inhale or exhale vapour from, or to hold or otherwise have control over, (i) an activated electronic cigarette, (ii) an activated water pipe, (iii) another activated device containing a substance that is intended to be inhaled or exhaled;
(c) but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.
“Substantially Enclosed Structure” means a Building or Structure, vehicle or any other place having a roof or other covering where more than 50% of the wall space is enclosed by any material that does not permit air to flow easily through it and 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; or is a prescribed place under the Tobacco and Vapour Products Control Act (BC).

2.2 The Smoking Bylaw is further amended in Section 2 - Definitions by adding the following term and definitions in the appropriate alphabetical order:

“Business Place” means any Building, Structure, vehicle or place that a Business operates out of.

“Designated Smoking Area” means an area on a property where a person may be permitted to Smoke under the Tobacco and Vapour Products Control Act or the Cannabis Control and Licencing Act, and has received additional approval from the City by way of a Council Resolution as an area in which a person may lawfully Smoke;

“Hospital” means property that is, in whole or in part, owned or leased by, or operated under the authority of, a regional health board designated under the Health Authorities Act, or other governing body of a prescribed organization having the delivery of health services as one of its purposes.

2.3 The Smoking Bylaw is further amended by removing Section 3 – Application and replacing it with the following:

SECTION 3 – APPLICATION

3.1 This Bylaw does not apply to:
(a) a Private Social Function;
(b) an area on a patio that is clearly designated for people at least nineteen (19) years of age in a Food Service Establishment or a Licenced Establishment;
(c) a Designated Smoking Area.

2.4 The Smoking Bylaw is further amended in Section 4 – Areas of Smoking Prohibition by striking sections 4.1 and 4.2 and adding the following sections:

SECTION 4 – AREAS OF SMOKING PROHIBITION

4.1 No Operator of a Business, Hospital, Place of Public Assembly, School Property, or Substantially Enclosed Structure, shall cause, permit or allow a person to Smoke within a Building, Structure, vehicle or Business Place occupied by the Business or use.

4.2 No Operator of a Business, Hospital, Place of Public Assembly, School Property, or Substantially Enclosed Structure, shall cause, permit or allow a person to Smoke within the Buffer Zone for a Building, Structure, vehicle or Business Place occupied by the Business or use.

4.3 No person shall smoke in, at, or on, or within the Buffer Zone, of a Business Place; Outdoor Venue; Municipal Smoke Free Area; place at which a Sporting Event is occurring; Place of Public Assembly; Public Entrance; School Property; Substantially Enclosed Structure; or transit shelter.
2.5 The Smoking Bylaw is further amended in Section 5 – Sign Requirements by adding the following section and by making such consequential changes as are required to reflect this amendment:

5.1 The Operator of any Structure, vehicle, or Business Place where Smoking is not permitted under Section 4 must post at least one sign meeting the Sign Requirements listed in this Bylaw in the following locations:

(a) at each doorway and air intake in a Building, Structure, Business Place, or Substantially Enclosed Structure;
(b) at each Public Entrance or other point of access to a Outdoor Venue; Municipal Smoke Free Area; place at which a Sporting Event is occurring; Place of Public Assembly;
(c) on the dashboard or a passenger window of a vehicle.

SECTION 3 – ENACTMENT

3.1 The Smoking Bylaw is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering or ordering of alphabetical lists of the bylaw.

READ first time this 20th day of August , 2018.
READ second time this 20th day of August , 2018.
READ third time this 20th day of August , 2018.
CONSULTED with Northern Health this 23rd day of August , 2018.
DEPOSITED with the Ministry of Health this 23rd day of August , 2018.
RESCINDED third reading this 17th day of September , 2018.
REREAD a third time as amended this 17th day of September , 2018.
ADOPTED this day of , 2018.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 4390 cited as “SMOKING REGULATION AMENDMENT BYLAW NO. 4390, 2018.”

Brenda Ginter – Corporate Officer

The Corporate Seal of THE CORPORATION OF THE CITY OF DAWSON CREEK was affixed in the presence of:

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Dale Bumstead, Mayor

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Brenda Ginter – Corporate Officer