

CORPORATION OF THE CITY OF NEW WESTMINSTER



SMOKING CONTROL BYLAW NO. 6263, 1995

EFFECTIVE DATE: AUGUST 28, 1995

CONSOLIDATED FOR CONVENIENCE ONLY
(July 17, 2014)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

No. 6282	October 16, 1995
No. 6340	August 26, 1996 (effective March 1/97)
No. 6745	June 10, 2002
No. 6974	November 1, 2004
No. 7583, 2014	July 7, 2014

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6263, 1995. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

CORPORATION OF THE CITY OF NEW WESTMINSTER

SMOKING CONTROL BYLAW NO. 6263, 1995

A Bylaw to regulate smoking

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

AND WHEREAS it is desirable for the protection, promotion and preservation of the health, safety and welfare of the inhabitants of the City to regulate smoking to the extent provided herein;

THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled HEREBY ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited for all purposes as "Smoking Control Bylaw No. 6263, 1995".

DEFINITIONS

2. In this Bylaw:

Bylaw No. 6340, 1996 (deletes "health care facility")

- (a) "*office workplace*" means:
 - (i) any enclosed area of a building in which clerical, professional or business services are performed including all enclosed areas necessarily incidental to the performance of those services and without limiting the generality of the foregoing, includes:
 - a. all private office areas,
 - b. common work areas,
 - c. conference and meeting rooms,
 - d. classrooms,
 - e. reception areas,
 - f. hallways,

- g. restrooms, and
- h. employee lunchrooms

located in office buildings, health care facilities, libraries, museums, hospitals, and retail premises; and

- (ii) company vehicles operated in conjunction with the performance of a clerical, professional or business service;

but does not include staff cafeterias falling within the definition of “restaurant” herein.

Bylaw No. 6340, 1996 (deletes “Patient Care Area”)

- (b) “*personal services establishment*” means an establishment in which a person provides a service to or on the body of another person and includes, but is not limited to, a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna, steam bath, and tanning salon;

Bylaw No. 6282, 1995 & Bylaw No. 6340, 1996

- (c) “*place of public assembly*” means a building or portion thereof used for the gathering together of persons for the purpose of deliberation, education, worship, entertainment, recreation, business, professional seminars or amusement, but does not include a bingo parlour, casino, public house, cocktail lounge, cabaret or bar;
- (d) “*proprietor*” means the owner, or his agent or representative, of a premises or a taxicab and includes any person in charge of the premises or taxicab or anyone who controls, governs or directs the activity carried on in the premises or taxicab;

Bylaw No. 6340, 1996

- (e) “*restaurant*” means any food service establishment as defined in the regulations governing Sanitation and Operation of Food Premises enacted pursuant to the Health Act R.S.B.C. 1979, c. 161 as amended from time to time, but does not include an establishment licensed under the provisions of the Liquor Control and Licensing Act as Class “A”, “C” or “D”;

- (f) “*smoke or smoking*” includes inhaling, exhaling, burning or carrying of a lighted cigar, cigarette, pipe or other lighted smoking equipment of tobacco or any other weed or plant.

BYLAW NO. 6340, 1996

PROHIBITION

- 3. No person shall smoke:
 - (a) in a service line;
 - (b) at a service counter;
 - (c) in a public transportation facility or vehicle, including but not limited to a school bus, a public bus, the “Sky Train”, a transit shelter or waiting room relating to any form of transportation;
 - (d) on an elevator, escalator or inside stairway;
 - (e) in a restroom generally used by and open to the public;
 - (f) in any retail premises;
 - (g) in a taxicab;
 - (h) in a personal services establishment;
 - (i) in a place of public assembly;
 - (j) in an office workplace;
 - (k) in a common hallway, passageway, lobby, laundry room or exercise room in a multi-residential premises;
 - (l) in a restaurant;

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- (m) in a bowling alley;
- (n) in a billiard hall;

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- (o) on the outdoor patio of any restaurant, public house or other place of business serving refreshments or food to the public;

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- (p) within 7.5 metres of any opening into a building, including any door or window that opens and any air intake; or

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- (q) within 15 metres of an outdoor sports field, skate park, playground, lacrosse box, lawn bowling green, stadium, picnic area, water park, wading pool, swimming pool or off-leash dog area within a City park.

EXEMPTIONS

- 4. The provisions of this Bylaw do not apply to private residential premises.

Bylaw No. 6974, 2004

- 5. Despite any provision of this Bylaw to the contrary, the proprietor of a casino or bingo parlour or a public house, cocktail lounge, cabaret or bar, or any other premises licensed under the provisions of the *Liquor Control and Licensing Act* of British Columbia where the admittance of children is prohibited, may permit smoking on such premises if the proprietor provides a designated smoking room structurally separated from other areas of the premises in accordance with the requirements of Section 4.83 of Part 4 of the *Occupational Health and Safety Regulation* (Environmental Tobacco Smoke) of the *Workers Compensation Act* of British Columbia.

BYLAW NO. 6282, 1995 & 6340, 1996

BINGO PARLOURS AND CASINOS

- 6. Every proprietor of a bingo parlour or casino shall designate an area of the premises containing not less than 50% of the total seating capacity of the bingo parlour or casino as a non-smoking area and shall not permit smoking within the non-smoking area. Seating within a non-smoking area shall, to the greatest extent possible, be contiguous with other non-smoking seating and, if possible, shall form an area separate from the areas of the bingo parlour or casino where smoking is permitted.
- 6.1 Commencing January 1, 2000, no person shall smoke and no proprietor shall permit smoking in a bingo parlour or casino.

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PUBLIC HOUSES, COCKTAIL LOUNGES, CABARETS AND BARS

7. Every proprietor of a public house, cocktail lounge, cabaret and bar shall designate an area of the premises containing not less than 30% of the total seating capacity of the public house, cocktail lounge, cabaret or bar as a non-smoking area and shall not permit smoking within the non-smoking area. Seating within a non-smoking area shall, to the greatest extent possible, be contiguous with other non-smoking seating and, if possible, shall form an area separate from the areas of the public house, cocktail lounge, cabaret or bar where smoking is permitted.
- 7.1 Commencing January 1, 2000, no person shall smoke and no proprietor shall permit smoking in a public house, cocktail lounge, cabaret or bar.

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- 7.2 Building owners shall take reasonable measures to enforce paragraph 3(o) of this bylaw.

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NO-SMOKING SIGNS

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8. Every:
- (a) proprietor of a premise, taxicab, vehicle, facility, place or enclosed area of any kind where smoking is prohibited; or
 - (b) building owner subject to paragraph 3(p) of this bylaw
- shall prominently display a sufficient number of no-smoking signs, in accordance with Section 9 of this Bylaw, so as to be clearly visible to all persons located in the areas where smoking is prohibited and no proprietor or owner of a building shall permit smoking in any area where smoking is prohibited.
9. Where this Bylaw requires a person to display signs in accordance with this Section, the signs shall display:
- (a) the phrase “no smoking”, or
 - (b) a graphic symbol which clearly illustrates that smoking is not permitted; and may include

- (c) the words “City of New Westminster Bylaw No. 6263, 1995, Maximum Penalty \$2,000.00”.

BYLAW NO. 7583, 2014

- 9.2 With respect to paragraph 3(p) of this bylaw, the signs shall display the phrase:

No Smoking within 7.5 metres of doors, windows or air intakes to this building;

And shall be located at the main entrance way to the building..

BYLAW NO. 6340,1996

DESIGNATED SMOKING AREA SIGNS

10. Every proprietor of a premises, facility, place or enclosed area of any kind where smoking is permitted under this Bylaw or having a designated smoking area as permitted by this Bylaw, shall prominently display within the designated smoking area, so as to be clearly visible to all persons located within the designated smoking area:

- (a) at least one health warning sign in the form set out in Appendix “A” to this Bylaw; and
- (b) a sufficient number of designated smoking area signs, in accordance with Section 11 of this Bylaw.

11. A designated smoking area sign shall state:

- (a) “smoking in this area only”, or
- (b) “smoking permitted”,. Or
- (c) words or graphic symbols of similar meaning.

OFFENCE AND PENALTY

12. Any person who does anything prohibited by this Bylaw or fails to do anything required by this Bylaw commits an offence and is liable on conviction to a fine of not more than \$2,000.
13. Each day that a violation of this Bylaw continues constitutes a separate offence.

RIGHT OF ENTRY

14. The Public Health Inspector or Bylaw Enforcement Officer may enter any premises at any reasonable time for the purpose of determining whether the premises comply with the provisions of this Bylaw.

SEVERABILITY

15. If any part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

REPEAL

16. City of New Westminster Bylaw No. 5625, 1986 entitled *A Bylaw for the purpose of regulating the places where people may smoke*, as amended by Bylaw No. 5673, 1987, is hereby repealed effective July 31, 1995.

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