



District of Maple Ridge

Maple Ridge Smoking Regulation Bylaw No. 6968-2013

Effective Date: August 26, 2014

THE FOLLOWING DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of the following:

1. Maple Ridge Smoking Regulation Bylaw No. 6968 -2013
2. Maple Ridge Smoking Regulation Amending Bylaw No. 7151 -2015

Individual copies of any of the above bylaws can be obtained by contacting the Clerk's Department.

District of Maple Ridge

Maple Ridge Smoking Regulation Bylaw No. 6968-2013

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District of Maple Ridge

Maple Ridge Smoking Regulation Bylaw No. 6968-2013

A bylaw to regulate smoking in the District of Maple Ridge.

WHEREAS the Council of The Corporation of the District of Maple Ridge deems it expedient to provide for the protection, promotion and preservation of the health, safety and welfare of the inhabitants of the District of Maple Ridge by regulating smoking in the District of Maple Ridge, as in this bylaw more particularly set out;

NOW THEREFORE, the Council of the District of Maple Ridge enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Maple Ridge Smoking Regulation Bylaw No. 6968 -2013.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

3.1 Maple Ridge Smoking Regulation, Bylaw No. 5495-1997 and the following amendment bylaws are hereby repealed:

Amendment Bylaw	Effective Date
Bylaw No. 6058 - 2002	July 23, 2002

Part 4 Definitions

4.1 In this bylaw:

“Building” means a structure or portion of a building or structure which is used or intended for supporting or sheltering any use or occupancy and includes premises.

“Business” means a business, trade, profession, or other occupation for which a person must obtain a licence under Maple Ridge Business Licencing and Regulation Bylaw.

“Common Areas” include, but are not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building.

“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** or **Premises** that includes the service of food or beverages, including alcoholic drinks, to customers or other persons for consumption on site.

“District” means the District of Maple Ridge.

“Dwelling Unit” means a dwelling as defined in the **District** of Maple Ridge Zoning Bylaw.

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“e-cigarette” means a cylinder-shaped device made of stainless steel or plastic. It is similar in appearance, use and sometimes taste to a cigarette but it contains no tobacco and does not produce smoke. It consists of a battery powered atomizer that vaporizes in a chemical liquid containing propylene glycol or vegetable glycerine, flavourings, and other chemicals such as formaldehyde and acetone. The cartridge may or may not contain nicotine.

“Enforcement Officer” means the Medical Health Officer designated under section 71 of the *Public Health Act, SBC 2008 Chapter 28*, or a delegate of the Medical Health Officer, a Bylaw Enforcement Officer, a member of the RCMP, a member of the Maple Ridge Fire Department, and any other person designated by Council.

“Premises” means a portion of a **Building** in respect of which a person has exclusive possession.

“Public Transit” includes but not limited to a school bus, a Vehicle for Hire, a passenger a bus, and a rapid transit vehicle.

“Responsible Person” means a person who owns, controls, manages, supervises, or operates:

- (a) A **Business** or other use which occupies all or substantially all of a **Building**;
- (b) A **Business** or other use which occupies **Premises**;
- (c) **Common Areas** which includes a strata corporation or cooperative association;
- (d) A **Customer Service Area**; and
- (e) A person who drives a **Vehicle for Hire**.

“School Property” means property that is owned or leased by, or operated under the authority of, a board established the School Act or the Independent School Act, and that is used for the purposes of delivering educational programs or other learning programs. This includes real property and improvements.

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“Smoke” or “Smoking” means to inhale, exhale, burn, or carry a lighted cigarette, e-cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance.

“Swimming Beach” means any beach that is so designated by sign as a beach used for swimming or sunbathing.

“Vehicle for Hire” as defined in the **District** of Maple Ridge Taxi Bylaw.

“Zoning Bylaw” means the the **District** of Maple Ridge Zoning Bylaw.

Part 5 Ban on Smoking

5.1 A person shall not **Smoke**:

5.1.1 In a **Building**, except in:

- a) A **Dwelling Unit** defined under the **Zoning Bylaw** including a **Dwelling Unit** in which an owner or occupier also carries on a **Business**;
- b) A hotel or motel room or suite designated for **Smoking** by a **Responsible Person**; or
- c) Enclosed **Premises**:
 - (i) that are not open to the public;
 - (ii) where the only occupants are the owner or owners of the **Business** carried on in the **Premises**.

5.1.2 In a **Vehicle for Hire**;

5.1.3 On **Public Transit** including a school bus, passenger bus, ferry, or rapid transit;

5.1.4 In, or within seven point five (7.5) metres of, an enclosed or partially enclosed shelter where people wait to board a **Vehicle for Hire** or **Public Transit**;

5.1.5 In a **Customer Service Area**;

5.1.6 In **Common Areas**;

5.1.7 Within seven point five (7.5) metres of the perimeter of a **Customer Service Area**;

5.1.8 Within seven point five (7.5) metres measured on the ground from a point directly below any point of any opening into any **Building** including any door or window that opens or any air intake;

5.1.9 On any **Swimming Beach** or in a wading or swimming pool;

5.1.10 Within the areas of municipal park, or playground where there are playing fields, picnic areas, food concessions or children’s play equipment present, or organized fitness activities taking place;

- 5.1.11 In any municipal and/or public **Building** including daycares, recreation and community centres;
- 5.1.12 On the grounds of any municipal recreational facility, including skate board parks;
- 5.1.13 Within seven point five (7.5) metres of those places outlined in sub sections 5.1.9, 5.1.10, 5.1.11, or 5.1.12 of this bylaw.

Part 6 Required Signage and Duties of Responsible Person

- 6.1 Except as permitted by section 5.1, a **Responsible Person** must not suffer or allow a person to **Smoke** in:
 - 6.1.1 A **Building** or **Customer Service Area**;
 - 6.1.2 **Premises** or **Common Areas**;
 - 6.1.3 An area described in sub section 5.1.5 or 5.1.7 except to the extent that all or part of such area is not part of the parcel on which the **Building** or **Customer Service Area** is situated and is not an area over which such **Responsible Person** has possession or control; or
 - 6.1.4 In a **Vehicle for Hire**.
- 6.2 Where **Smoking** is prohibited pursuant to sections 5.1 and 6.1 a **Responsible Person** must display, at all times, or ensure the display of a sign:
 - 6.2.5 At each entrance to a **Building** or **Customer Service Area** or to a **Premise**, or in a **Vehicle for Hire**. The sign must state, "THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING".
 - 6.2.6 On each exterior wall of a **Building**. The sign must state: "SMOKING IS PROHIBITED WITHIN SEVEN.FIVE (7.5) METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE"
 - 6.2.7 In outdoor **Customer Service Areas**, clearly visible from each table or placed on each table. The sign must state: "THIS OUTDOOR CUSTOMER SERVICE AREA IS A SMOKE FREE ENVIRONMENT – NO SMOKING"
 - 6.2.8 On the exterior wall, fence or other structure demarking an outdoor **Customer Service Area**. The sign must state: "SMOKING IS PROHIBITED WITHIN SEVEN.FIVE (7.5) METRES OF CUSTOMER SERVICE AREAS"
- 6.3 All signs referred to in section 6.2 must:
 - 6.3.9 Include the text "Bylaw No. 6968-2013" in letters not less than one-quarter ($\frac{1}{4}$) of the height of all other letters on the sign;
 - 6.3.10 Display the international symbol to designate "No Smoking", or, in areas

where smoking is permitted, the international symbol “Smoking Permitted”, which symbol must occupy at least twenty-five percent (25%) of the size of the sign;

6.3.11 Consist of at least two (2) contrasting colours, except that if the lettering is on a clear panel then the lettering must contrast to the colour of the background;

6.3.12 Be at least thirty centimeters (30 cm) by fifteen centimeters (15 cm);

6.3.13 Be clearly visible; and

6.3.14 Except for the text specified in sub section 6.3.1, consist of lettering, whether upper case or lower case, that is not less than the following heights based upon the following maximum viewing distances in direct line of sight:

<u>Viewing Distance</u>	<u>Letter Height</u>
3 metres or less	1 centimetre
3 metres to 6 metres	2 centimetres
6 metres to 12 metres	4 centimetres

6.4 A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw.

Part 7 Duty of Administration and Enforcement

The intent of this bylaw is to set standards in the general public interest and not to impose a duty on the District of Maple Ridge or its employees to enforce its provisions and:

- a) A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provision is not to give rise to a cause of action in favour of any person; and
- b) 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.

Part 8 Power to Inspect

8.1 An **Enforcement Officer** has the right of entry and may enter onto any land, into any vehicle, or into any building to which this bylaw applies, at all reasonable hours, in order to ascertain whether the provisions of this bylaw are being complied with.

Part 9 Obstruct / Interfere with Enforcement Officer

- 9.1 No person may hinder, delay or obstruct in any manner, directly or indirectly, an **Enforcement Officer** carrying out duties in accordance with this Bylaw.

Part 10 Offence and Penalty

- 10.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision 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 and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 10.2 Every person who commits an offence is liable on summary conviction to a fine not exceeding \$10,000.00.

READ A FIRST TIME on the 8th day of April, 2014.

READ A SECOND TIME on the 8th day of April, 2014

READ A THIRD TIME on the 8th day of April, 2014

ADOPTED by the Council on the 26th day of August, 2014.

FILED WITH THE OFFICE OF THE MINISTER OF HEALTH

CORPORATE OFFICER

PRESIDING MEMBER