



VILLAGE OF BELCARRA SMOKING CONTROL BYLAW 285, 1998 Consolidated

A Bylaw to Regulate the Places Where People May Smoke.

This consolidation is a copy of a bylaw consolidated under the authority of Section 139 of the *Community Charter*. This consolidation is not a legal document. Individual copies of the bylaw may be obtained by contacting the Village Office. This bylaw is printed under and by authority of the Chief Administrative Officer of the Village of Belcarra.

Amendment Bylaw No. 402, 2008 effective date April 14, 2008

Amendment Bylaw No. 406, 2008 effective date July 14, 2008

WHEREAS the approval of the Minister of Health is necessary for any bylaw adopted pursuant to Section of the Municipal Act R.S.B.C. 1996 Chapter 323;

AND WHEREAS Council has been advised that second hand tobacco smoke (exhaled smoke and the smoke from cigarettes, cigars and pipes) is a health hazard and discomfort for many inhabitants of the Village of Belcarra;

AND WHEREAS it is desirable for the health, safety and welfare of inhabitants of the Village to prohibit or regulate smoking or both in the Village to the extent provided herein;

NOW THEREFORE the Council of the Village of Belcarra, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited for all purposes as "Smoking Control Bylaw 285, 1998".

2. DEFINITIONS

2.1 In this bylaw:

"Council" means the Municipal Council of the Village of Belcarra.

"Medical Health Officer" is the Medical Health Officer appointed for the Village under the Health Act R.S.B.C. 1979, Chapter 161 and amendments.

"Place of public assembly" means a building or structure, or portion thereof used for the purposes of education, recreation, or business.

"Smoke or smoking" means, inhaling, exhaling, burning or carrying of a lighted cigar, cigarette, pipe or other smoking equipment of tobacco, or any other weed or plant.

3. PUBLIC FACILITIES

3.1 Persons, their premises and their activities are hereby regulated such that no person shall smoke in any place of public assembly in the Village of Belcarra. (Bylaw 402, 2008)

3.2 Any person choosing to smoke shall smoke in an area that is located a minimum distance of 7.5 metres from any doorway, window or air intake of a place of public assembly.

(Bylaw 402, 2008)

3.3 Smoking is prohibited on playing fields and within 7.5 metres of playgrounds and other public places where children gather or play, and prohibited in public gathering places where people sit or stand together in close proximity.
(Bylaw 406, 2008)

4. OFFENCES AND PENALTY

4.1 Any person who contravenes the provision of this bylaw is guilty of an offence and, on summary conviction, is liable to a fine of not less than \$25.00 and not more than \$75.00 for the first offence; and not less than \$75.00 and not more than \$150.00 for the second offence; and not less than \$150.00 and not more than \$2,000.00 for the third an any subsequent offence.

5. VALIDITY

5.1 In the event there is a conflict between the provisions of any other Federal or Province of British Columbia Act or Regulation, or any other bylaw that is applicable to the Village, the more restrictive Act, Regulation or Bylaw shall prevail as may be specifically applicable to the intended purpose.

6. ENFORCEMENT

6.1 The Medical Health Officer and the Public Health Inspectors having jurisdiction in the Village of Belcarra may enter any premises in the Village of Belcarra at any reasonable time for the purpose of determining compliance with and enforcing this bylaw pertaining to any of the sections of this bylaw that has to do with signage in any premises in the Village of Belcarra. In all other respects and sections of the bylaw, the Bylaw Enforcement Officer or Officers of the Village of Belcarra shall be responsible for administration of this bylaw.

7. SEVERABILITY

7.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the valid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
(Bylaw 402, 2008)

READ A FIRST TIME this 2nd day of November, 1998

READ A SECOND TIME this 2nd day of November, 1998

READ A THIRD TIME this 2nd day of November, 1998

ADOPTED BY THE MUNICIPAL COUNCIL this 16TH day of November, 1998

CERTIFIED CORRECT

MAYOR

R. E. Drew

ADMINISTRATOR

Moira A. McGregor