



The City of Langley
“The Place To Be!”

SMOKING REGULATION BYLAW NO. 2792

A Bylaw to provide for the protection, promotion and preservation of health of City of Langley residents and to regulate and prohibit smoking in the City.

DISCLAIMER – THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

Consolidated as of June 17, 2016

TABLE OF CONSOLIDATION	
BYLAW	SUBJECT MATTER
Bylaw No. 2988, Amendment No. 1	Add Electronic Smoking Device
<u>Bylaw No. 3047 Amendment No. 2</u>	<ul style="list-style-type: none"><u>Increase no smoking buffer zone to 6 metres</u><u>include cannabis in definition of smoke and smoking</u><u>limit the areas where smoking is permitted in Parks, Public Facilities</u>



THE CITY OF LANGLEY “The Place To Be!”

SMOKING REGULATION BYLAW NO. 2792

A Bylaw to provide for the protection, promotion and preservation of health of City of Langley residents and to regulate and prohibit smoking in the City.

The Council of the City of Langley, in open meeting assembled, enacts as follows:

1. Title

This bylaw shall be cited as the “Smoking Regulation Bylaw, 2010, No. 2792”.

2. Definitions

(1) “Building” means any structure used or intended for supporting or sheltering any use or occupancy;

(2) “Business” means a business, trade, profession, or other occupation for which a person must obtain a licence under the Business Licence and Regulation Bylaw;

(3) “Cannabis” has the same meaning as in the *Cannabis Control and Licensing Act*.

(4) “City” means the City of Langley;

(5) “Common Areas” include lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas and other public areas of a **Building**.

(6) “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 the **Business** or use in a **Building** or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site.

(7) “Electronic Smoking Device” means a vaporizer or inhalant-type device or a component of such a device, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth.

- (8) "Enclosed Premises" means **Premises** that are enclosed on all sides, except for windows, doors and other similar openings, but does not include a dwelling unit or sleeping unit as defined in the City's Zoning Bylaw 1996, No. 2100, or a hotel or motel room or suite designated for Smoking by a Responsible Person.;
- (9) "Park" means a Park as defined in the City's Parks and Public Facilities Regulation Bylaw, 2018, No. 3048.
- (10) "Premises" means a portion of a **Building** in respect of which a person has exclusive possession.
- (11) "Public Facility" means a Public Facility as defined in the City's Parks and Public Facilities Regulation Bylaw, 2018, No. 3048.
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- ~~(4)~~(12) "Partially Enclosed Shelter" means a **Building** or other structure located on City property and constructed near a bus stop to provide seating and/or protection from the weather for the convenience of waiting passenger.
- (13) "Premises" means a portion of a **Building** in respect of which a person has exclusive possession.
- (14) Representative of the City" means the administrative manager responsible for Parks administration or Public Facilities within the City or his designate; and for the purpose of enforcing the provisions of this bylaw, also includes:
- (a) a peace officer; and
 - (b) a bylaw enforcement officer appointed by the City.
- (15) 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**,
 - (d) a **Customer Services Area**, or
 - (e) a **Vehicle for Hire**;

and, in respect of **Common Areas**, includes a strata corporation or cooperative association.

~~(5) "Smoke" or "Smoking" means burn or carry a lighted cigarette, cigar, pipe, electronic smoking device, hookah pipe or other lighted smoking equipment that burns tobacco.~~

(16) "Smoke" or "Smoking" means to

(a) burn, light operate, or activate a cigarette, cigar, pipe, electronic smoking device, hookah pipe or other smoking equipment that burns tobacco, Cannabis or other substance;
or

(b) carry or hold a lit cigarette, cigar or pipe.

(17) "Smoking Area" means those areas designated and signed for Smoking tobacco.

(18) "Vehicle" means the interpretation under the Motor Vehicle Act R.S.B.C. 1996, c 318.

(19) "Vehicle for hire" means a **Vehicle** used for the carrying, transportation or conveyance of persons or property for hire and includes a taxi cab, limousine, bus or tow car.

3. Duty of Administration and Enforcement

(1) The intent of this bylaw is to set standards in the general public interest, and not to impose a duty on the **City** 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 provisions 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.

4. Prohibitions

"(1) A person must not **Smoke**:

(a) in a **Building**, except in:

- (i) a dwelling unit or sleeping unit defined under the Zoning Bylaw, including a dwelling unit in which an owner or occupier also carries on **Business**;
- (ii) a hotel or motel room or suite designated for **Smoking** by a Responsible Person; or
- (iii) **Enclosed Premises**:
 - a. that are not open to the public; and
 - b. where the only occupants of the **Building** are the owner or owners of the **Business** carried on in the **Building**;
- (b) in an enclosed or **Partially Enclosed Shelter** where people wait to board public transit;
- (c) within six 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;
- (d) in a **Customer Service Area**;
- (e) within six metres of the perimeter of a **Customer Service Area**;
- (f) Cannabis in a **Vehicle**;
- (g) tobacco or any other substance, except for Cannabis which is governed by s. 4(1)(f) of this bylaw, in a **Vehicle**, if any occupant of the **Vehicle** is under the age of sixteen (16) years;
- (h) in a **Vehicle for Hire**;
- (i) Cannabis in any area that may be frequented by children, including but not limited to **Parks** and **Public Facilities**; or
- (j) tobacco in **Parks** and **Public Facilities**, except within designated **Smoking Areas**.”

~~—(1) A person must not **Smoke**:~~

~~—(a) in a **Building**, except in:~~

~~(i) a dwelling unit or sleeping unit defined under the Zoning Bylaw, including a dwelling unit in which an owner or occupier also carries on **Business**;~~

~~a. a hotel or motel room or suite designated for **Smoking** by a **Responsible Person**;~~

~~(b) in an enclosed or **partially enclosed shelter** where people wait to board public transit;~~

~~within three 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;~~

~~(c) in a **Customer Service Area**; or~~

~~(d) within three metres of the perimeter of a **Customer Service Area**;~~

5. Enforcement of Prohibitions

(1) Except as permitted by section 4(1)(a), a **Responsible Person** must not **Smoke** or allow a person to **Smoke** in:

(a) a Building;

(b) within six 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;**

(c) a Customer Service Area;

(d) within six metres of the perimeter of a **Customer Service Area;**

(e) Premises;

(f) Common Areas;

(g) a Vehicle for Hire.

~~(a) a **Building** or **Customer Service Area**;~~

~~(b) **Premises** or **Common Areas**; or~~

~~(c) in an area described in (4)(1)(c), (e) or (h);~~

6. Signage

- (1) Where **Smoking** is prohibited by section 4(1), a **Responsible Person** must place, as applicable, a clearly visible sign at every entrance to the **Building** or area ~~bearing the message:~~

(2) The sign must bear the message:

“THIS IS SMOKE FREE ENVIRONMENT – NO SMOKING”

in letters not less than 15 mm high on a background of contrasting colour.

- (23)** A person must not remove, alter, conceal, deface or destroy any sign required under this bylaw.

7. Notice of Violations

- (1) A **Representative of the City** ~~inspector or official of the City, or a bylaw enforcement officer~~, may give notice to any person ordering or directing that person to:

- (a) discontinue or refrain from doing anything that contravenes this bylaw; or
- (b) carry out any work or do anything to bring any land or **Building** into conformity with this bylaw;

within the time specified in such notice.

8. Service of Notice

- (1) A **Representative of the City** ~~inspector or official of the City, or a bylaw enforcement officer~~, may serve a notice under this bylaw:

- (a) by mailing it by registered post to an owner who is the addressee of the notice at the address of the owner shown on the real property assessment roll prepared pursuant to the *Assessment Act*;
- (b) by handing it to the person who is the addressee of the notice; or
- (c) if the notice refers to real property, by posting it on the real property.

9. Offences Under Bylaw

- (1) A person who:
- (a) violates any provision of this bylaw, or does any act or thing which violates any provision of this bylaw, or suffers or allows any other person to do any act or thing which violates any provision of this bylaw;

(b) neglects to do or refrains from doing anything required to be done by any provision of this bylaw; or

(c) fails to comply, suffers or allows any other person to fail to comply, with an order, direction or notice given under any provision of this bylaw;

is guilty of an offence against this bylaw, and liable to the penalties imposed under section 10.

10. Penalties

(1) Every person who commits an offence against this bylaw is punishable on conviction by a fine of not less than \$50.00 and not more than \$2000.00 for each offence.

(2) Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

11. Severability

(1) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

12. Force and Effect

(1) This bylaw shall come into force and effect on July 1, 2010.

READ A FIRST, SECOND and THIRD TIME this twenty first day of June, 2010.

RECEIVED BY THE MINISTRY OF HEALTH FOR DEPOSIT the fifth day of July, 2010.

FINALLY ADOPTED this 19th day of July, 2010.

MAYOR

CORPORATE OFFICER