



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

“SMOKING REGULATION BYLAW, 1998, NO. 7026”

CONSOLIDATED FOR CONVENIENCE – JULY 20, 2020

Amendment Bylaw, 1999, No. 7107	Proprietor
Amendment Bylaw, 2001, No. 7317	Definitions and Section 3.1 (e)
Amendment Bylaw, 2001, No. 7342	Designated Smoking Room
Amendment Bylaw, 2009, No. 8032	Bylaw Notice Process
Amendment Bylaw, 2014, No. 8330	Updates to Standards
Amendment Bylaw, 2015, No. 8412	Smoking Restriction Amendment
Amendment Bylaw, 2020, No. 8754	Text Amendments

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

Bylaw No. 7026

A Bylaw to Regulate Smoking in Public Places and in the Workplace

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

This bylaw may be cited as “**Smoking Regulation Bylaw, 1998, No. 7026**”.

PART 1: INTERPRETATION *[Bylaw 8330, October 20, 2014]*

“**Building**” means a structure fully or substantially enclosed with walls and/or roofs, and used for the shelter or accommodation of persons, animals, chattels or things or any combination thereof;

“**Business**” means a business, trade, profession, or other occupation for which a person must obtain a license under the “Business Licence Bylaw, 2018, No. 8640”, as amended;

“**Bylaw Enforcement Officer**” means a delegate of the Medical Health officer, an Environmental Health officer, an employee of the City whose duties include enforcement of bylaws, or a Royal Canadian Mounted Police officer;

“**Cannabis**” means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots of any part of the root of a cannabis plant;

“**City**” means the Corporation of the City of North Vancouver;

“**City Trail**” means a paved or unpaved path for pedestrian and/or cyclist and wheeled mobility aid use that may be in parks or on other public lands;

“**Common Area**” includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

“**Dwelling Unit**” means a dwelling unit as defined in the “Zoning Bylaw, 1995, No. 6700”, as amended; including any adjacent outdoor space, accessed directly from the dwelling unit and for exclusive use of the dwelling unit;

“**E-Substance**” means a solid, liquid or gas that, on being heated, produces a vapour for use in an E-Cigarette, regardless of whether the solid, liquid or gas contains nicotine;

“**E-Cigarette**” means a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an E-Substance for inhalation or release into the air;

“Liquor Primary” means establishments licensed primarily to serve liquor as defined by the B.C. Liquor and Cannabis Regulation Branch;

“Outdoor Customer Service Area” means a part of a private or public property located immediately outside a restaurant, retail food service, neighborhood public house or liquor primary establishment whether partially enclosed or unenclosed, including balcony, patio, yard, or sidewalk that is connected to or associated with a Business or use in a Building or Premise that includes the services of food or beverages, which may include alcoholic drinks, to customers or other persons for consumption on site;

“Park or Parks” means all lands and improvements within the areas defined in Schedule “A” of the “Parks Regulation Bylaw, 1996, No. 6611”, whether or not they are dedicated parks;

“Premise” means a portion of a Building of which a person has exclusive possession;

“Passenger Directed Vehicle” means taxis, limousines, and vehicles operated under a license held by a transportation network service provider under the Passenger Transportation Act;

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

- (a) a Business or other use that occupies all or substantially all of a Building;
- (b) a Business or other use that occupies Premises;
- (c) an Outdoor Customer Service Area;
- (d) a Common Area;
- (e) a Passenger Directed Vehicle; or
- (f) a permit for any outdoor public event or activity that the City has authorized by the issuance of a permit and to which this bylaw applies,

and in respect of a Common Area, includes a strata corporation or cooperative association;

“Smoke” or “Smoking” means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, vaping device, e-cigarette or other lighted or activated electronic smoking device that burns or vapourizes tobacco, cannabis, or substance. It does not apply to ceremonial use of tobacco in connection with a traditional Indigenous cultural activity;

“Swimming Beach” means an area adjacent to the shore of the ocean or other body of water that is used for swimming;

“Transit Shelter” means a building or other structure located on City property constructed near a bus stop to provide seating and/or protection from the weather for the convenience of waiting passengers;

“Transit Stop” means a sign-posted location where public transit vehicles or Passenger Directed Vehicles stop to pick up riders, and distances from a Transit Stop shall be measured from the sign that identifies the Transit Stop location; and,

“Vaping” means to inhale vapor through the mouth from a usually battery-operated electronic device, such as electronic cigarette that heats up and vapourizes a liquid or solid.

[Bylaw 8754, July 20, 2020]

PART 2: GENERAL SMOKING RESTRICTIONS *[Bylaw 8330, October 20, 2014]*

A person must not smoke:

- (a) in a Building, except in:
 - (i) a Dwelling Unit other than a Dwelling Unit in which a Business to which employees or the public are invited is carried on therein;
 - (ii) a hotel or motel room or suite designated for Smoking by a Responsible Person;
 - (iii) enclosed Premises:
 - (1) that are not open to the public, and
 - (2) where the only occupants are the owner or owners of the business carried on in the Premises;
- (b) in a Passenger Directed Vehicle; *[Bylaw 8754, July 20, 2020]*
- (c) in any public transit vehicle, including a school bus, passenger bus, water taxi, or ferry;
- (d) in or within 7.5 metres of a Building, Transit Stop or Transit Shelter where people wait to board a Passenger Directed Vehicle or public transit vehicle, provided that, subject to the other provisions of this bylaw; *[Bylaw 8754, July 20, 2020]*
- (e) in or within 7.5 metres of the perimeter of an Outdoor Customer Service Area except Outdoor Customer Service Areas for Liquor Primary Licensed Establishments that are already in existence and operation;
- (f) within 7.5 metres measured on the ground from a point directly below any opening into any Building including any door or window that opens or any air intake.

PART 3: SMOKING IN PARKS AND OTHER MUNICIPAL PROPERTY *[Bylaw 8330, October 20, 2014]*

[Bylaw 8754, July 20, 2020]

A person must not smoke:

- (a) in any part of a Park listed in Schedule “A” of the “Parks Regulation Bylaw, 1996, No. 6611”, whether or not they are dedicated parks;
- (b) in any part of a public plaza identified in Schedule “A” of the “Smoking Regulation Bylaw, 1998, No. 7026”;
- (c) on or within 7.5 metres of the Spirit Trail and the Green Necklace as identified in Schedule “B” of the “Smoking Regulation Bylaw, 1998, No. 7026”;
- (d) in or within 7.5 metres of children’s play equipment or a playground, playing field, swimming beach, food concession, picnic area or a skateboard park;

- (e) in or within 7.5 metres of any municipal property that is being used for any public event or activity that the City has authorized by way of issuance of a permit;
- (f) in or within 7.5 metres of the grounds of any municipal building used for public recreation.

PART 4: DUTIES OF RESPONSIBLE PERSON *[Bylaw 8330, October 20, 2014]*

Except as permitted by subsection 2(a), a Responsible Person must not suffer or allow a person to smoke in:

- (a) a Building or Outdoor Customer Service Area;
- (b) a Common Area or Premises;
- (c) an area described in subsections 2(e) or (f), except to the extent that all or part of such area is not part of the parcel on which the Building or Outdoor Customer Service Area is situated and is not an area over which such Responsible Person has possession or control; or
- (d) a Passenger Directed Vehicle, *[Bylaw 8754, July 20, 2020]*

in each case, that is owned, controlled, managed, supervised, operated or held by that Responsible Person.

PART 5: SIGN REQUIREMENTS *[Bylaw 8330, October 20, 2014]*

A Responsible Person must display a sign at all times:

- (a) at each entrance to a Building, Outdoor Customer Service Area or Premises, or in a Passenger Directed Vehicle, where section 3 prohibits Smoking, stating: *[Bylaw 8754, July 20, 2020]*
 “THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING”;
- (b) on each exterior wall of a Building, where Part 2 and Part 3 prohibit Smoking, stating: *[Bylaw 8754, July 20, 2020]*
 “SMOKING IS PROHIBITED WITHIN 7.5 METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE”;
- (c) in an Outdoor Customer Service Area, clearly visible from each table or placed on each table, stating:
 “THIS OUTDOOR CUSTOMER SERVICE AREA IS A SMOKE FREE ENVIRONMENT – NO SMOKING”;
- (d) on the exterior wall, Building, fence, railing or other structure indicating the boundary of an Outdoor Customer Service Area, stating:

“SMOKING IS PROHIBITED WITHIN 7.5 METRES OF OUTDOOR CUSTOMER SERVICE AREA”; or

- (e) on any advertisement or poster promoting a public event on City property for which the City has authorized by a permit, stating:

“THIS IS A SMOKE FREE EVENT”.

PART 6: CONDITIONS OF SIGNS [Bylaw 8330, October 20, 2014]

All signs referred to in section 6, except 6(e), must:

- (a) include the text “Bylaw 8330” in letters not less than one quarter of the height of all other letters on the sign;
- (b) display the international symbol to designate “No Smoking”, or, in areas where smoking is permissible, the international symbol to designate “Smoking Permitted”, provided that in each case the symbol must occupy at least 25% of the size of the sign;
- (c) consist of at least two contrasting colours, except that if the lettering is on a clear panel then the lettering must contrast to the colour of the background;
- (d) be at least 30 cm by 15 cm in size (or, with respect to subsection 6(c) of this bylaw, if a sign is placed on a table, it must be at least 10 cm by 5 cm in size);
- (e) be clearly visible; and
- (f) except for the text specified in subsection (a), 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:

Viewing Distance	Letter Height
Up to 3 metres	1 centimetre
Up to 6 metres	2 centimetres
Up to 12 metres	4 centimetres

PART 7: CONDITION OF SIGNS [Bylaw 8330, October 20, 2014]

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

PART 8: POWER TO INSPECT [Bylaw 8330, October 20, 2014]

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

PART 9: OBSTRUCTION *[Bylaw 8330, October 20, 2014]*

A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

PART 10: OFFENCE, PENALTIES AND ENFORCEMENT

- (a) Every person or proprietor who violates a provision of this bylaw, or 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 or any other applicable bylaw of the City, and is guilty of a separate offence each day that a violation continues to exist.
- (b) Any person who contravenes any of the provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months or to both. Each day that an offence continues shall constitute a separate offence.
- (c) Pursuant to Section 264 of the *Community Charter*, S.B.C. Chapter 26, any person designated as a Bylaw Enforcement Officer pursuant to the “Bylaw Notice Enforcement Bylaw, 2018, No. 8675” or is named as the Enforcement Officer pursuant to the “Ticket Information Utilization Bylaw, 1992, No. 6300” is hereby authorized and empowered to enforce the provisions of this bylaw by Bylaw Notice or Municipal Ticket Information or as otherwise provided by this or any other bylaw of the City of North Vancouver. *[Bylaw 8754, July 20, 2020]*

PART 11: SEVERABILITY

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw. *[Bylaw 8330, October 20, 2014]*

PART 12: REPEAL

“Smoking Prohibition in Bus Shelters Bylaw, 2007, No. 7854” is repealed by “Smoking Prohibition in Bus Shelters Bylaw, 2007, No. 7854, Repealed Bylaw, 2014, No. 8329”.
[Bylaw 8330, October 20, 2014]

PART 13: EFFECTIVE DATE

This bylaw comes into force and effect six (6) months from the date of approval from the Minister of Health. *[Bylaw 8330, October 20, 2014]*

READ a first time by the Council on the 11th day of May, 1998.

READ a second time by the Council on the 11th day of May, 1998.

READ a third time and passed by the Council on the 11th day of May, 1998.

RECEIVED APPROVAL of the Minister of Health on the 24th day of June, 1998.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 13th day of July, 1998.

“John E. Loucks”

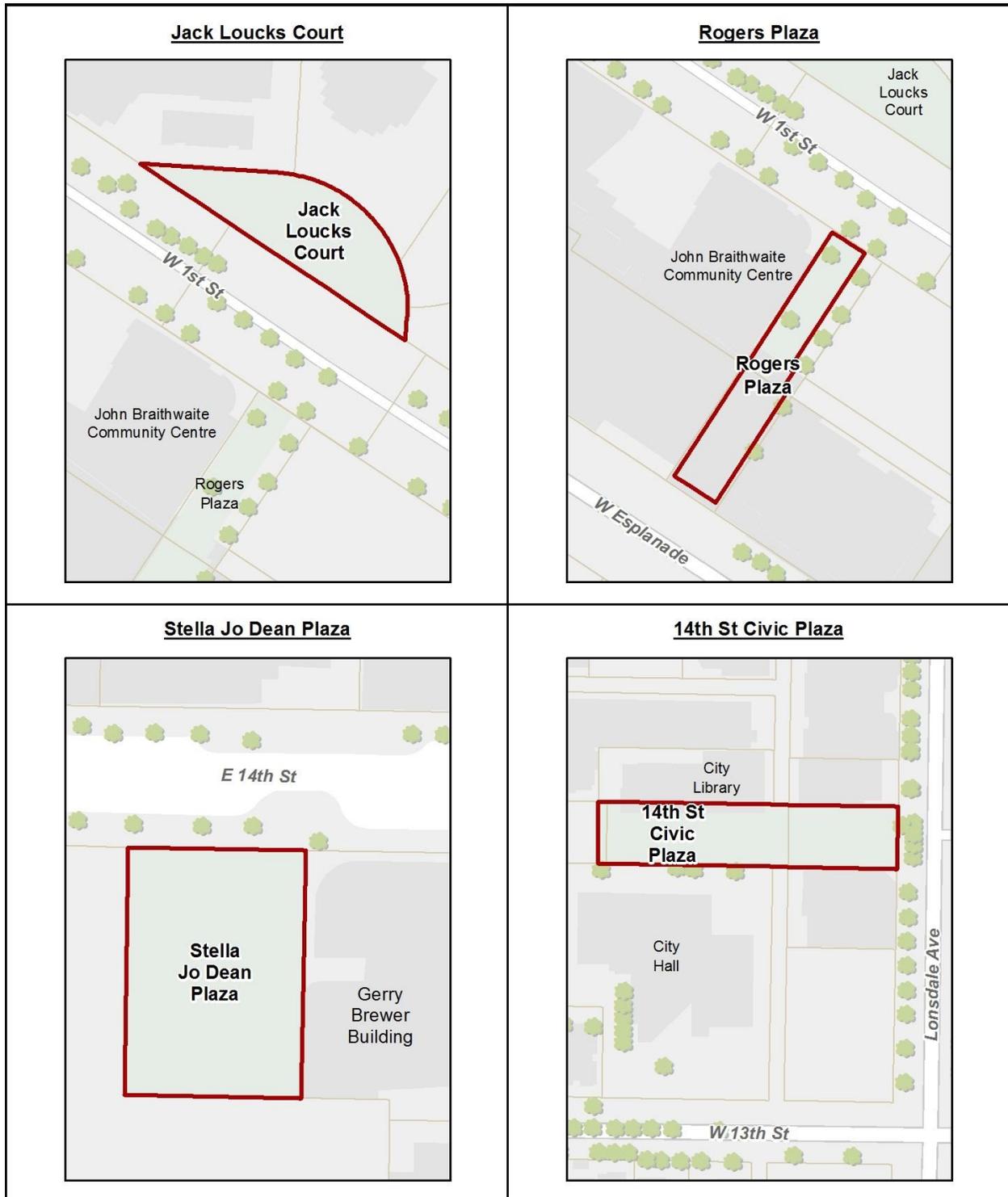
MAYOR

“Bruce Hawkshaw”

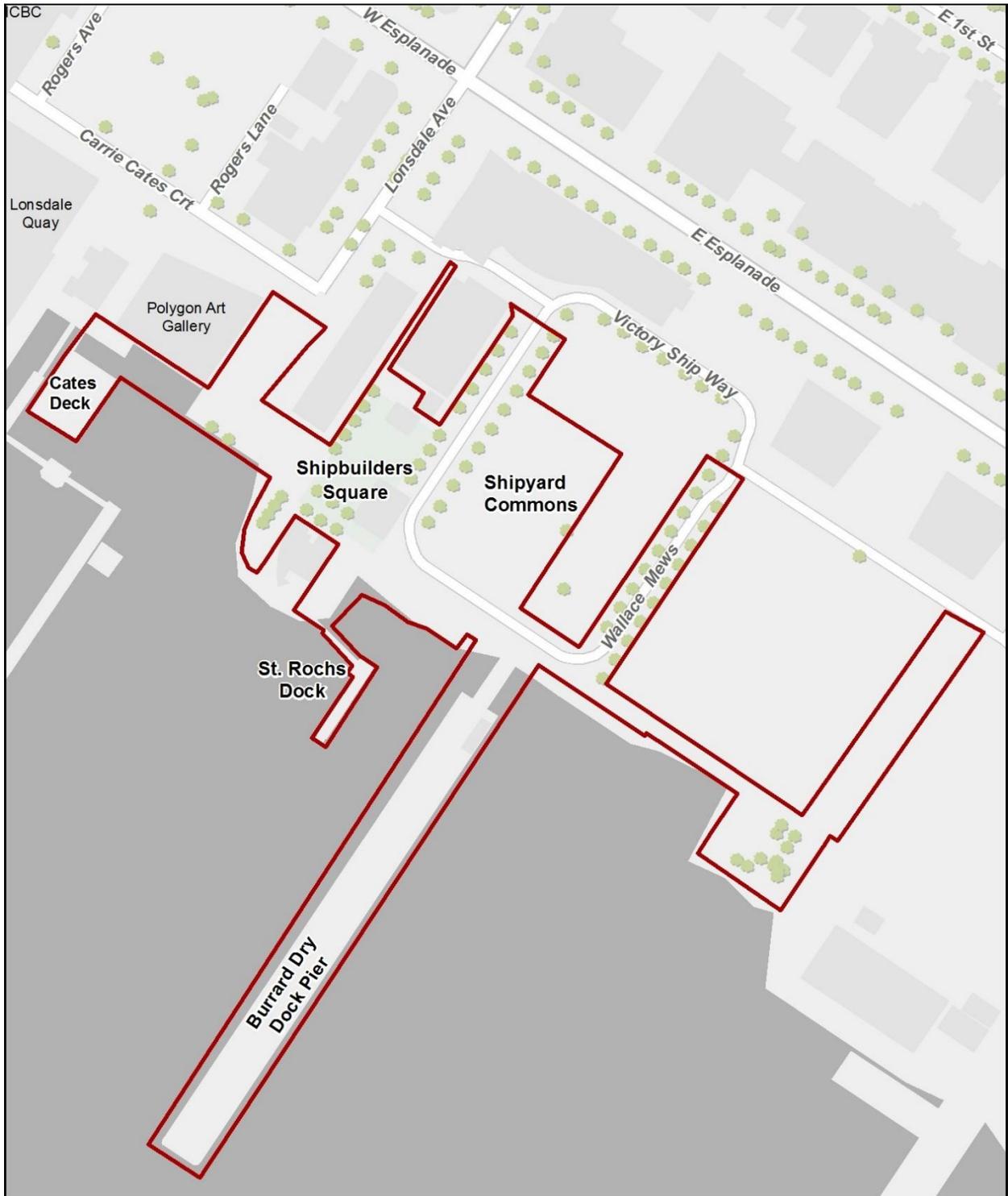
CITY CLERK

SCHEDULE "A"

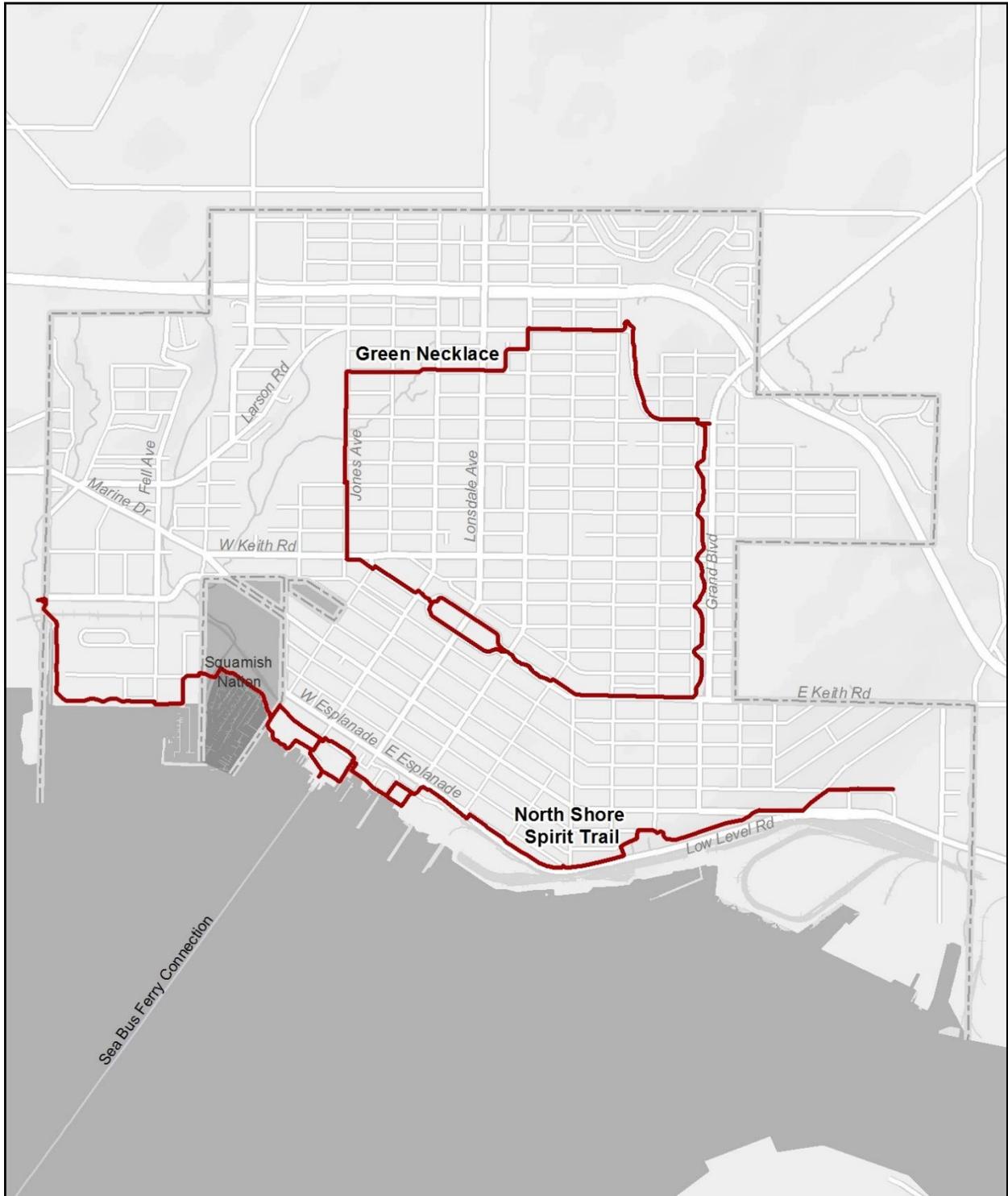
CITY PLAZAS



THE SHIPYARDS



MULTI-USE PATHS: GREEN NECKLACE AND NORTH SHORE SPIRIT TRAIL



[Bylaw 8754, July 20, 2020]