

**City of Chilliwack**

**Bylaw No. 4138**

**A bylaw to regulate smoking on or within outdoor public spaces  
within the City of Chilliwack**

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

1. This bylaw may be cited as **“Outdoor Public Spaces Smoking Regulation Bylaw 2015, No. 4138”**.

**DEFINITIONS**

2. In this Bylaw:

“Bus Stop” means a bus stop zone, designated by curb paint, a bus stop sign or a transit shelter, for the pick-up and drop-off of passengers using the public transit system;

“Bylaw Enforcement Officer” means a person appointed by Council as a Bylaw Enforcement Officer for the City;

“Dog Off-Leash Park” means a park which has been so designated and within which dogs are permitted to run at large;

“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;

“Outdoor Public Space” means an outdoor children’s playground, playing field, sports venue, stadium, or sports facility, located on land owned by the City or School District No. 33 and open to the public from time to time for viewing, performing or participating in play, sports activities, competitions or other scheduled and unscheduled events;

“Park” means any real property owned or subject to a right of occupation by the City for the pleasure, recreation or community uses of the public including public parks, playgrounds, public squares, pathways, trails, dikes and other public places and all improvements and shall include all other public areas adjacent to lakes, rivers, streams or land covered by water and City owned or controlled parking lots, but does not include Crown land or the travelled portion of a highway or sidewalk unless Smoking is expressly prohibited under this Bylaw in respect of an area of a highway or sidewalk;

“Playground” means an area owned by the City or School District No. 33 to which the public and particularly children are invited to participate in athletic and recreational activities;

"Public Pool" means the enclosed area of an artificially created body of water that:

- (a) has a depth of at least 61 cm,
- (b) is available to the public for swimming, recreational bathing or physiotherapy purposes, either free of charge or for a fee, and
- (c) is not a commercial pool;

“Smoke or Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an Electronic Smoking Device, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Bylaw, but does not include the strictly ceremonial use of tobacco in connection with a traditional Aboriginal cultural activity;

“Trail” means any passage way where the public has access or is invited for the purpose of providing for pedestrian traffic, equestrian traffic, cycling, electric bicycles, wheelchairs or medic chairs;

## **SMOKING PROHIBITIONS**

2. No person shall Smoke:
  - (a) within the area of a Park, Playground or Outdoor Public Space;
  - (b) within the area of a Dog Off-Leash Park;
  - (c) within the area of and within 15 metres of the entrance to a Public Pool;
  - (d) within the area of and within 15 metres of the entrance to an ice arena;
  - (e) within the area of a Trail; or,
  - (f) within 10 metres of a Bus Stop.
3. No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from enforcing this Bylaw. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this Bylaw are enforced.
4. No person shall discard or place on the ground any match, cigar or cigarette.
5. Without limiting Section 4, no person shall discard or place on the ground any lighted match, cigar, cigarette or other burning substance.

## **AUTHORITY OF OFFICERS AND EMPLOYEES**

6. Where, pursuant to this Bylaw, an officer or employee of the City is empowered to make an order respecting a matter, that power includes the power to rescind, revoke, amend, or vary the order.

7. Council may appoint Bylaw Enforcement Officers to enforce this Bylaw in accordance with the *Community Charter Bylaw Enforcement Ticket Regulation*, BC Reg 425/2003, as amended.

**OFFENCE AND PENALTY**

8. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence. Each day, or part thereof, that a violation continues to exist is deemed to be a separate offence.
9. Every person who commits an offence contrary to the provisions of this Bylaw is liable upon summary conviction to a penalty of not more than \$10,000.
10. Notwithstanding remedies, penalties and fines specified within this Bylaw, a person in violation of the regulations contained in this Bylaw may be subject to penalties specified in the City of Chilliwack “Municipal Ticket Information Bylaw”, and “Bylaw Notice Enforcement Bylaw”, as in force from time to time.

**SEVERABILITY**

11. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion must be severed and the remainder of this Bylaw must be deemed to have been adopted without the severed portion.
12. This Bylaw shall come into effect 30 days after the date of adoption.

Received first reading on the 18<sup>th</sup> day of August, 2015.

Received second reading on the 18<sup>th</sup> day of August, 2015.

Received third reading on the 18<sup>th</sup> day of August, 2015.

Deposited with the Minister of Health on the 31<sup>st</sup> day of August, 2015.

Reconsidered, finally passed and adopted on the 1st day of September, 2015.

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“Sharon Gaetz”

Mayor

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“Delcy Wells”

City Clerk