



City of Vernon

***CLEAN INDOOR AIR
AND SMOKING
REGULATIONS
BYLAW***

#3422

Consolidated for Convenience

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3422

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5679	June 11, 2018	AMEND Section 1 – Definitions: “Smoke” or “Smoking”

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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3422

A bylaw to promote clean indoor air by prohibiting
or regulating smoking

WHEREAS it has been determined that second-hand tobacco smoke (inhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard and discomfort for many inhabitants of the City of Vernon;

AND WHEREAS, pursuant to Section 692 of the Municipal Act, R.S.B.C. 1979, Chapter 290, Council may, by bylaw, subject to the Health Act, regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health of the inhabitants of the City of Vernon;

AND WHEREAS the approval of the Minister of Health is necessary for any bylaw adopted pursuant to Section 692 of the Municipal Act, R.S.B.C. 1979, Chapter 290;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the City of Vernon to have clean indoor air by prohibiting or regulating smoking, or both, in the City of Vernon as in this bylaw more particularly set out;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. **DEFINITIONS**

In this bylaw, unless the context otherwise requires:

- (a) "Bank" includes credit union, trust company, savings or loan company or other financial institution.
- (b) "Council" means the Municipal Council of The Corporation of the City of Vernon.

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- (c) "Government Office" means an office of the Government of Canada, the Government of the Province of British Columbia, a regional district, or any municipality.
- (d) "Licence Inspector" means a person appointed by the Municipal Council of The Corporation of the City of Vernon.
- (e) "Medical Health Officer" means the Medical Health Officer appointed under the Health Act to act within the limits of the jurisdiction of the local Board of Health for the City of Vernon.
- (f) "Personal Services Establishment" means an establishment in which a person provides a service to or on the body of another person, and includes but is not limited to a barber shop, beauty parlor, health spa, massage parlor, tattoo shop, sauna and steam bath.
- (g) "Place of Public Assembly" means a building or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement, but does not include a place where a private social function is being held or a restaurant.
- (h) "Private Social Function or Clubs, Lodges and Associations" means a special social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education.
- (i) "Proprietor" means the person who ultimately controls, governs or directs the activity carried on within the kinds of premises referred to in this bylaw, and includes the person actually in charge thereof.

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- U) "Reception Area" means the public space used by an office or establishment for the receiving and greeting of customers, clients or other persons dealing with such office or establishment.
- (k) "Restaurant" means any food premises as defined in the "British Columbia Regulations Governing Sanitation and Operation of Food Premises", whether permanent or temporary, fixed or mobile, in which prepared food is served to the public in exchange for money or services, or any place to which the public has access for the purpose of purchasing prepared food for human consumption on the premises.
- (l) "Retail Shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, but does not include a place where the only trade or business carried on is that of the custom blending of tobaccos or the sale of tobaccos, pipes, cigars or smokers' sundries.
- (m) "Service Line" means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to sales, provision of information, transactions or advice, and transfers of money or goods.
- (n) "Smoke" or "Smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillo, pipe, hookah pipe, electronic cigarette, or other Smoking equipment that burns or vaporizes tobacco, cannabis or any other substance.
(*Bylaw 5679*).

2. **RETAIL STORES**

- (a) No person shall smoke in a retail shop except in a part thereof used as a restaurant or lunch counter, subject to Section 7; or a restroom; or a part of the retail shop used as offices by members of the staff.

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- (b) The proprietor of every retail store shall ensure the sign or signs as prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 2(a) applies.

3. **PERSONAL SERVICES ESTABLISHMENTS**

- (a) Subject to Subsection 3(b), non-smoking areas shall be designated by the proprietor of any personal services establishment having a seating capacity of more than ten (10) persons. The non-smoking areas shall be not less than 25% of the total seating capacity.
- (b) When a proprietor designates a non-smoking area, the seating shall be arranged to be contiguous to provide a non-smoking area.
- (c) The proprietor of every personal services establishment shall ensure that a sign or signs prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 3(a) applies.

4. **BANKS AND GOVERNMENT OFFICES**

- (a) No person shall smoke at any service counter in a bank or government office.
- (b) the proprietor of every bank or government office shall ensure that a sign or signs as prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 4(a) applies.

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5. **HOSPITALS AND HEALTH CLINICS**

- (a) No person shall smoke in a hospital or health clinic except in any portion thereof designated as a smoking area by the hospital or health clinic authorities.
- (b) The proprietor of every hospital and health clinic shall ensure that a sign or signs as prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 5(a) applies.

6. **PLACES OF PUBLIC ASSEMBLY**

- (a) Subject to Section 6(b), no persons shall smoke in an area being used as place of public assembly.
- (b) The proprietor of a place of public assembly may designate an area, not to exceed 50% of the total floor area of such place of public assembly as a smoking area.
- (c) An area designated in accordance with Subsection (b) shall not include:
 - (i) The seating areas in theatres, motion picture theatres, music halls, lecture halls which include classrooms, concert halls, auditoriums, gymnasiums, swimming pools, indoor sporting areas and libraries;
 - (ii) The display areas of museums and art galleries; nor
 - (iii) An area in which smoking is prohibited by the Fire Commissioner or by another law, bylaw or regulation;

and these areas shall not be included in the calculation of the total floor area.

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- (d) the proprietor of every place of public assembly shall ensure that a sign or signs as prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 6(a) applies.

7. **RESTAURANTS**

- (a) The proprietor of a restaurant shall display in a conspicuous place so as to be visible to persons at the entrance to the restaurant a sign or signs indicating whether or not a non- smoking section is provided in the restaurant. The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches). The sign or signs shall carry one of the following texts:

SMOKING AND NON-SMOKING SEATING AVAILABLE;
NO NON-SMOKING SEATING; or
NON-SMOKING SEATING ONLY.

- (b) Subject to Subsection (c)(i), the proprietor of a restaurant may designate non-smoking areas in the restaurant.
- (c) Where a non-smoking area is designated:
 - (i) The non-smoking area shall be not less than twenty-five percent (25%) of the total seating capacity of the restaurant.
 - (ii) The non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area.

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8. **RECEPTION AREAS**

- (a) Except as provided in Subsection (b), no person shall smoke in a reception area.
- (b) The proprietor may designate an area of not less than 13 square metres (140 square feet) and not more than fifty percent (50%) of the floor area of the reception area for the purpose of smoking.
- (c) The proprietor of every reception area shall ensure that a sign or signs as prescribed in Section 13 hereof, or other-wise by this bylaw permitted, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Subsection 8(a) applies.

9. **ELEVATORS, ESCALATORS & INSIDE STAIRWAYS**

- (a) No person shall smoke in an elevator, on an escalator or on a stairway within the confines of any building.
- (b) The proprietor of every building or any building or part thereof shall ensure that a sign or signs as prescribed by Section 13 hereof, or otherwise by this bylaw permitted, shall be conspicuously posted to as to apply clearly to the area regulated by Subsection 9(a).

10. **BUSES**

No person shall smoke on a school or public bus.

11. **SERVICE LINES**

No person shall smoke in any indoor service line on any premises.

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12 **SIGNS**

- (a) For the purpose of Subsection (b) hereof, the "letter height" means the actual height of the letter regardless of whether it is a capital or lower case letter.
- (b) Whereby a section of this bylaw is to be in accordance with this Section, such sign shall:
 - (i) Carry the text "No Smoking" in capital or lower case letters or a combination thereof.
 - (ii) Consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour.
 - (iii) With respect to size of lettering, to be not less than the following height, based upon the maximum viewing distance in direct line of sight for:
 - A. 3.0 metres (10 feet) or less, letter height of 2.5 centimetres (1 inch).
 - B. 6.1 metres (20 feet) or less, letter height of 5.1 centimetres (2 inches).
 - C. 12.2 metres (40 feet) or less, letter height of 7.6 centimetres (3 inches).
 - D. 24.4 metres (80 feet) or less, letter height of 10.2 centimetres (4 inches).
 - E. 48.8 metres (160 feet) or less, letter height of 15.2 centimetres (6 inches).
 - F. more than 48.8 metres (160 feet), letter height of not less than 20.32 centimetres (8 inches).
- (c) Include in the text at the bottom of each sign "Bylaw No. 3422, 1986" in letters not less than 0.64 centimetres (1/4 inch) in height for all signs.

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- (d) Notwithstanding the provisions of Subsection (a), one of the following graphic symbols may be used to indicate "no smoking areas". Each symbol shall include the text "Bylaw No. 3422, 1986" in letters and figures at least 0.64 centimetres (1/4 inch) in diameter of the circle in the symbol, and there may be added appropriate symbols, such as directional arrows. Any such symbol shall be on a white background with a circle and interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Section.

- (e) With respect to size of the graphic symbol, the diameter of the circle and the symbol referred to in Subsection (d) hereof shall be not less than the number of centimetres (inches) prescribed below, based upon the maximum viewing distance and direct line of sight, as follows:
 - (i) 3.0 metres (10 feet) or less, 10.2 centimetres (4 inches).
 - (ii) 6.1 metres (20 feet) or less, 15.2 centimetres (6 inches).
 - (iii) 12.2 metres (40 feet) or less, 20.32 centimetres (8 inches).
 - (iv) 24.4 metres (80 feet) or less, 20.32 centimetres (8 inches).
 - (v) 48.8 metres (160 feet) or less, 40.6 centimetres (16 inches).
 - (vi) more than 48.8 metres (160 feet), a size of not less than 61.0 centimetres (24 inches).

- (f) Notwithstanding that the symbol in Subsection (d) hereof is a cigarette, it shall include a lighted cigar, cigarette, pipe or other lighted smoking equipment.

13. GENERAL

- (a) In every area where smoking is not permitted under this bylaw, the proprietor shall post or have posted and continue to post a sufficient number of signs, as prescribed in Section 12, prominently displayed so as to be clearly visible from all points to which such no smoking applies.

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- (b) Where a smoking area has been designated under this bylaw, such area shall bear a sign or signs "Smoking in This Area Only". Where an area has been so designated, smoking shall be permitted in that area, and such sign shall be prominently displayed so as to be clearly visible from all points to which smoking applies, and such signs shall comply with the requirements in Subsection 12(b)(ii) and (iii).
- (c) This bylaw shall not apply to a private social function.

14. **INSPECTION OF PREMISES**

The Medical Health Officer and/or Licence Inspector or their appointed representative, shall have the right of entry and may enter onto any land or into any building at all reasonable hours in order to inspect the same and ascertain whether the provisions of this bylaw are being or have been carried out. Any person interfering with or obstructing the entry of any such official or employee of the City of Vernon onto any such land or into any such building to which said entry is made or attempted, pursuant to the provisions of this Section of the bylaw, shall be deemed to be guilty of infraction of this bylaw and liable to a penalty of not more than \$500.00.

15. **OFFENCES**

- (a) The proprietor of any premises to which this bylaw applies shall ensure that the sign or signs prescribed in Section 13 hereof, or otherwise permitted in this bylaw, shall be prominently displayed as to be clearly visible to persons.
- (b) Any proprietor who fails or neglects to perform the duty imposed upon him by Subsection (a) hereof shall be guilty of an offence and liable to a penalty of not more than \$500.00.

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- (c) No person shall smoke in any place or area designed as a non-smoking area under this bylaw.

16. **PENALTY**

Any person who contravenes the provisions 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 \$500.00 for the first offence; not less than \$75.00 and not more than \$500.00 for the second offence; and not less than \$150.00 and not more than \$500.00 for the third and subsequent offences.

- 17. This bylaw may be cited as the "Clean Indoor Air and Smoking Regulations Bylaw Number 3422, 1986".

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READ A FIRST TIME this 17th day of November, 1986.

READ A SECOND TIME this 17th day of November, 1986.

READ A THIRD TIME this 17th day of November, 1986.

APPROVED by the Minister of Health this 30th day of January, 1987.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 16th day of February, 1987.

"M. Anne Clarke"
Mayor:

"M.J. Bailey"
City Clerk: