

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 1672

A Bylaw for the purpose of prohibiting and/or regulating smoking within the Whole of the Cowichan Valley Regional District.

WHEREAS the Board of Directors of the Cowichan Valley Regional District has, by supplementary Letters Patent, dated September 25, 1969 (OIC No. 3072) been granted the function of "Health Regulations";

AND WHEREAS, on October 16, 1992, under authority of B.C. Regulation 210/91 (OIC No. 1595) the Cowichan Valley Regional District was granted the additional power of Health Regulation under Section 692(1) of the "Municipal Act" with respect to the control of smoking within all of the region's Electoral Areas and Municipalities, as an extended service;

AND WHEREAS, under authority of CVRD Bylaw No. 1507 cited as "**CVRD - Extended Service (Control of Smoking) Establishment Bylaw No. 6, 1993**" established an Extended Service for the purpose of controlling and regulating smoking with all Electoral Areas and Municipalities participating;

AND WHEREAS, the Regional Board is desirous of regulating persons, their premises, and their activities, to further the care, protection, promotion and preservation of the health of the inhabitants of the Regional District;

AND WHEREAS, it has been determined that tobacco smoke is a health hazard and/or discomfort for many inhabitants of the Regional District;

AND WHEREAS, it is deemed desirable and expedient for the health, safety and welfare of the Region's inhabitants to prohibit or regulate smoking or both in the Regional District;

AND WHEREAS, the approval of the Minister of Health has been obtained, pursuant to the provisions of Section 692(4) of the Municipal Act as aforesaid;

NOW THEREFORE, the Regional Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as "**CVRD - Clean Indoor Air and Control of Smoking Regulation Bylaw, 1995**".

2. **Interpretation**

In this bylaw the words and phrases hereinafter listed shall have the meanings and applications as stated:

"**bingo hall**" means a business carrying on the business of a bingo hall;

"**bowling alley**" means a business carrying on the business of a bowling alley;

"**business place**" means any premises or part thereof to which the public has access for the purpose of purchasing goods or services and includes, without limiting the generality of the foregoing, a hospital, licenced premises, a personal service establishment, restaurant, pool hall, bingo hall and bowling alley;

"**designated smoking area**" means an area or areas designated under Section 3 of this bylaw;

"**employee**" a person who:

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer;

"**hospital**" means a hospital as defined in the Hospital Act, RSBC, 1979, C. 176 and a community care facility as defined in the Community Care Facility Act, RSBC, 1979, C. 57;

"**licenced premises**" means an establishment licenced or required to be licenced under the Liquor Control and Licencing Act, RSBC, 1979, C. 237 and includes premises covered by a temporary licence issued under the aforesaid Act;

"**personal service establishment**" means an establishment in which a person provides a service to or on the body of another person and, without limiting the generality of the foregoing, includes a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;

"**place of employment**" means any indoor place of work other than:

- (a) a private home which also serves as a place of work, or
- (b) a workplace occupied solely by an independent contractor or only by the partners to a partnership, and includes any parts of a retail shop used exclusively by the employer of such premises, but does not include a reception area.

"**place of public assembly**" means premises where members of the public assemble for the purposes of worship, entertainment, education, government, amusement or .../3

sport, and without limiting the generality of the foregoing, includes a trade show, but does not include a workplace or a business place;

"**pool hall**" means a business carrying on the business of a pool hall;

"**post**" means the act of keeping continuously displayed;

"**premises**" means:

- i) a room,
- ii) a shop,
- iii) a building,
- iv) an enclosed structure, or
- v) an area within a building or enclosed structure.

"**private function**" means a special event for which an entire room or hall has been solely reserved and at which attendance is limited to people who have been individually invited;

"**proprietor**" means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof.

"**public place**" means any building or portion thereof where the public is invited or has access and includes reception areas, buses operated within the Cowichan Valley Regional District by or on behalf of any school district and buses operated within the Cowichan Valley Regional District by or on behalf of the Cowichan Valley Regional District in cooperation with B.C. Transit, but does not include a workplace, business place or place of public assembly;

"**reception area**" means the area of an office or establishment used solely for the purposes of receiving or greeting customers, clients or other persons dealing with the office or establishment;

"**resident or patient care**" means any and all areas of a medical care facility or hospital frequented by residents or patients but does not include a room occupied by a resident or patient for his exclusive use.

"**restaurant**" means a public premises in which prepared food is served to the public in exchange for money or services, or to which the public has access for the purposes of purchasing prepared food for consumption on the premises;

"**smoke**" or "**smoking**" means the inhaling of or exhaling of the smoke from tobacco or other organic substance or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning;

"workplace" means any building or portions of a building where the public is not invited or does not have access and in which a person or people are employed;

3. Prohibition

No person shall smoke:

- a) in a workplace;
- b) in a business place;
- c) in a place of public assembly;
- d) in a public place;
- e) in a taxicab except with the unanimous consent of all occupants thereof.

4. Designated Smoking Areas

Notwithstanding the provisions of Section 3:

- a) a proprietor of any workplace or business place may designate all or any portion or portions of such workplace or business place as a designated smoking area or areas;
- b) a proprietor of a place of public assembly may create a designated smoking area in such place of public assembly provided that such area is constructed so that it is separated from the remaining area of the place of public assembly and is enclosed by walls, has a closing door, and has a ventilation system which exhausts to the outside atmosphere;
- c) a proprietor of any place of public assembly within which an entire room or hall has been solely reserved for the holding of a private function, may designate for the term of any such reservation, all or a portion of such room or hall as a designated smoking area;
- d) a person may smoke in a designated smoking area.

5. Signs

- a) Upon deciding whether to create a designated smoking area pursuant to Section 4 hereof, the proprietor of a workplace, business place or place of public assembly, shall post at the entrances to such workplace, business place or place of public assembly, a notice in one of the following forms:

- i) "No Smoking On These Premises"; or
 - ii) "Smoking Permitted On These Premises"; or
 - iii) "Smoking Is Permitted Only in Designated Smoking Areas"; or
 - iv) A graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.
- b) If in any building or structure there is more than one workplace, business place or place of public assembly, all proprietors in such building or structure may, by unanimous consent, cause to be located at or near to all entrances to such building or structure, a notice in one of the following forms:
- i) "No Smoking In This Building"; or
 - ii) "Smoking Permitted In This Building"; or
 - iii) "Smoking Is Permitted Only In Designated Smoking Areas"; or
 - iv) A graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw;

and if such notice is posted, no notice in an individual workplace, business place or place of public assembly within the building, need be posted, as required under Section 4(a) hereof.

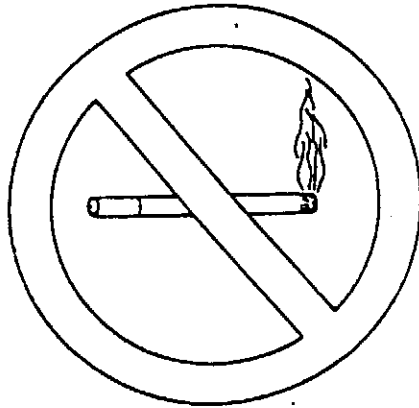
- c) A proprietor of any workplace, business place or place of public assembly, who has created a designated smoking area, must identify such designated smoking area by a sign or signs bearing the text "Smoking Permitted In This Area", or a graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.
- d) A proprietor of a public place or places shall post within such public place or places a sign bearing the text "No Smoking Permitted" except and unless there is posted at the street entrance or entrances to the premises in which such public place or places are located a sign or signs bearing the text "No Smoking In This Building" or "No Smoking On These Premises" or "Smoking Only In Designated Smoking Areas" or a graphic symbol shown in Schedule "A" attached hereto and forming part and parcel of this Bylaw.

6. Enforcement

The Bylaw Enforcement Officer, or an accredited representative, shall have the right of entry and may enter on to 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 Cowichan Valley Regional District on to any such

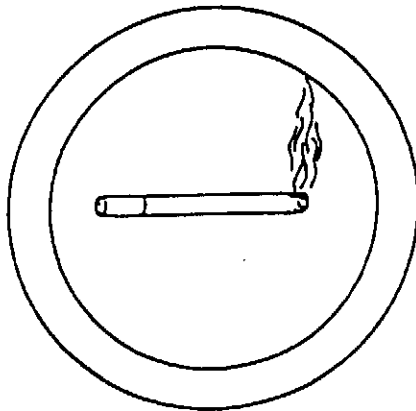
SCHEDULE "A"
TO BYLAW NO. 1672

1. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "NO SMOKING":



The symbol shall be on a white background with a circle and interdictory streak in red, with a cigarette, cigar, pipe or other lighted smoking equipment in black.

2. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "SMOKING IS PERMITTED":



The symbol shall be on a white background with a circle in green and cigarette, cigar, pipe or other lighted smoking equipment in black.

land or into any such building to which said entry is made or attempted pursuant to the provisions of this section of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw and liable to a fine of not more than \$500.00.

7. Penalties

- (a) Any person who commits an offense against this Bylaw shall be liable upon conviction to a maximum fine of Five Hundred Dollars (\$500.00).
- (b) Any proprietor or person who fails or neglects to perform any duty imposed by this Bylaw shall be guilty of an offence and liable to a fine of not more than \$500.00.

8. Severability

In the event that any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this bylaw.

9. Applicability

This Bylaw applies to the whole of the Cowichan Valley Regional District comprised of the City of Duncan, Town of Ladysmith, Village of Lake Cowichan, District of North Cowichan and Electoral Areas A, B, C, D, E, F, G, H and I.

READ A FIRST TIME this 11th day of January, 1995.

READ A SECOND TIME this 11th day of January, 1995.

READ A THIRD TIME this 22nd day of March, 1995.

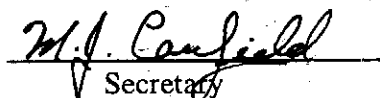
I hereby certify the foregoing to be a true and correct copy of Bylaw No. as given Third Reading on day of , 1995.

Approved by the Minister of Health pursuant to the provisions of Section 692(4) of the Municipal Act, this 5th day of May , 1995.

ADOPTED this 24th day of May, 1995.



 Chairperson



 Secretary