

VILLAGE OF CHASE

BYLAW No. 881

A Bylaw for the purpose of Promoting Clean Air in the Village of Chase

WHEREAS under the provisions of Section 8 of the *Community Charter*, Council may regulate, prohibit and impose requirements in relation to public health;

AND WHEREAS Council considers it expedient and desirable for the health, safety and welfare of the residents to regulate smoking in the Village of Chase;

NOW THEREFORE, the Municipal Council of the Village of Chase, Province of British Columbia, in open meeting assembled **ENACTS AS FOLLOWS:**

CITATION

1. This *Bylaw* shall be cited for all purposes as the “*Clean Air Bylaw No. 881*”.

DEFINITIONS

2. In this *Bylaw* unless the context otherwise requires:

“*Activated e-cigarette*” means an *e-cigarette* in which an *e-substance* is being vapourized.

“*Bylaw*” means the Clean Air Bylaw No. 881, as amended from time-to-time.

“*Bylaw Officer*” means a person hired as a Bylaw Enforcement Officer or a *Bylaw Compliance Officer* for the purpose of administering and enforcing the provisions of this *Bylaw*.

“*Cannabis*” means a cannabis plant, and anything referred to in Schedule 1 of Bill C-45, the *Cannabis Act*;

“*Community Facility*” means a building, recreation facility or other land improvement, including, but not limited to, community halls, wading pools, arenas, and other recreation facilities located in a *Park* which the *Village* owns or controls.

“*E-cigarette*” means the following:

- a) 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;

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- b) a prescribed product or device similar in nature or use to a product or device described in clause a).

“*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.

“*Posted Notice*” means a sign, map or written notice which has been posted or affixed to a wall, a post, or at the entrance to a *Park*.

“*Smoke*” or “*Smoking*” means to inhale, burn or carry:

- a) a lighted cigarette, cigar, pipe, hookah pipe or other lighted *smoking* equipment that burns tobacco, *Cannabis* or any other weed or substance; or
- b) an *activated e-cigarette*.

“*Special Event*” means any event or activity conducted within a *Park* which attracts or is intended to attract participants or spectators and, without limiting that definition, includes any festival, sports event, competition or tournament, group picnic, wedding or other event approved by the *Corporate Officer* by way of issuance of a permit.

“*Park*” means any real property owned, held, leased, licensed, operated, vested in, managed, controlled or administered by the *Village* for the purpose of pleasure, recreation or community uses of the public, including *parks*, playgrounds, paths, trails, ball diamonds, sport fields, wharves, swimming areas under the care, management and jurisdiction of the *Village*; but does not include the travelled portion of a highway, street, lane, road, boulevard, or sidewalk.

“*Village*” means the Village of Chase.

PROHIBITION – Community Facilities and Parks

3. No person shall *Smoke*:
- a) inside a *Community Facility* – including within 8 meters of an entranceway, air intake vent or window;
- b) in a *Park*;
- c) in a Cemetery, owned or managed by the *Village*, including the public road within;
- d) inside a motor vehicle or equipment owned or leased by the *Village*;
- e) during a *Special Event* located in a *Park* as permitted by the *Corporate Officer*, unless designated *smoking* areas are allowed as outlined in the permit;
- f) on a beach.

Exception to Prohibitions Specified

4. This *Bylaw* does not apply to:
 - a. ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity;
 - b. the campground area of a *Park*.

POSTED NOTICE

5. A no-*smoking* sign shall state:
 - a) the phrase “No *Smoking* or Vaping”, or
 - b) a graphic symbol that may include the words, “Clean Air Bylaw No. 881”.
6. The *Corporate Officer* must display a *Posted Notice* to this effect.
7. No person shall remove, alter, conceal, deface, write upon or destroy any *Posted Notice* pursuant to this *Bylaw*.

OFFENCE AND PENALTY

8. A person commits an offence and is subject to the penalties imposed in the Municipal Ticket Information System Bylaw, as amended from time-to-time and the *Offence Act* if that person contravenes a provision of this *Bylaw*, consents to or allows or permits anything to be done contrary to this *Bylaw*, or neglects or refrains to do anything required by this *Bylaw*.
9. Each day that a contravention of a provision of this *Bylaw* continues is a separate offence.
10. This *Bylaw* is designated under the provisions of Section 264 of the *Community Charter* as a *Bylaw* that may be enforced by means of a ticket in the form prescribed.

ENFORCEMENT

11. Upon request by a *Bylaw Officer*, a person in contravention of any provision of this *Bylaw* shall stop and provide the *Bylaw Officer* with proof of or identification giving his or her full name, current address and birth date.
12. A *Bylaw Officer* is hereby authorized to issue orders in writing to every person who is in contravention of this *Bylaw* and said person shall be responsible for the carrying out of every requirement of every such order.

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13. No person shall obstruct or interfere with a *Bylaw Officer* in the lawful exercise of his or her duties under this *Bylaw*.

SEVERABILITY

14. Each section of this *Bylaw* shall be severable and if any portion of this *Bylaw* is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed, and the illegality or invalidity shall not affect the validity of the remainder of this *Bylaw*.

READ A FIRST TIME THIS 8th DAY OF OCTOBER, 2019

READ A SECOND TIME THIS 8th DAY OF OCTOBER, 2019

READ A THIRD TIME THIS 8th DAY OF OCTOBER, 2019

ADOPTED THIS 22nd DAY OF OCTOBER, 2019

Rod Crowe, Mayor

Corporate Officer